ABRAHAM LINCOLN

1809–1858

BY

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With Illustrations

VOLUME II



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ABRAHAM LINCOLN

CHAPTER I

YEARS OF DISCIPLINE

Then black despair,
The shadow of a starless night, was thrown
Over the world in which I moved alone.

SHELLEY, *Revolt of Islam.*

'WHEN he first came among us, his wit and humor boiled over,' said James H. Matheny, recalling the conduct and appearance of Lincoln during the early period of his life in Springfield. Excepting Speed, Matheny was the most intimate unmarried friend of Lincoln in Springfield at that time, and was his best man when, finally, Lincoln married.[1]

Springfield was a typical western town and grew rapidly after it became the State capital. Its population was that of a new and raw country, vigorous, hopeful, ambitious. For the most part manners were rough and hearty, and the general disposition was cordial though combative. Most of the people were from Kentucky and the dominant social group was almost entirely from that State. Springfield had a well-marked small-town aristocracy, with pretension to fashion and class distinction. The new capital became at once the social centre of Illinois, especially when the Legislature was in session, as had been the case with Vandalia; but in this, as in every other respect, Springfield outclassed her former rival.

Amid this lively and variegated mixture of population, Lincoln had for four years made his happy and successful way. His quaint humor, his stories, and easy, genial companionableness rendered him a favorite among men of all classes. He joined with gusto in outdoor sports — foot-races, jumping and hopping contests, town ball, wrestling.[2] He wrote spicy poems and amusing papers for a select company of young associates who

[1] Herndon was much closer to Lincoln, personally, than anybody else; but their partnership was not formed until seven years after Lincoln came to Springfield.

[2] James Gourley's statement, no date. Weik MSS.

had formed a private 'literary' society which met in Speed's big living-room over his store.[1]

But the place and time that Lincoln liked best were the evenings about the big log-fire in the back part of Speed's store, where men gathered informally through the long winter. These occasions were not unlike the gatherings at the country stores in Gentryville and New Salem, and the same gift for entertainment that had marked Lincoln in those places again made him the shining light in the lively company in Speed's establishment.[2] Again story and joke, wise saying, quick logic, and apt quotation amused and instructed the jolly and eager company. Douglas, who was frequently there, was no teller of stories, and could only argue and declaim; but Lincoln could do both, as well as brighten the talk with fun, anecdote, and jocund remark.

Speed had a clerk, then a youth of nineteen, 'Billy' Herndon as he was called, a keen but agreeable boy whom every one liked. He was the son of Archer G. Herndon, builder and owner of one of the first hotels in Springfield,[3] an ardent Democrat and violent anti-Abolitionist. When the killing of Lovejoy occurred at Alton the youth was in college at Jacksonville and adopted with all the heat of his enthusiastic temperament the abolition views of President Beecher and his Faculty. His father took him out of college and the boy got a job with Speed, at seven hundred dollars a year, a handsome salary at that time. By nature Billy was a hero worshipper and Lincoln became the object of his adoration. After a time the youth slept in the room over the store where his employer and Lincoln lived.[4] He heard and saw all that went on during the years we are now reviewing, and his devotion to Lincoln grew steadily. Thus fate spun another and, for Lincoln, a most fortunate thread in the many-colored fabric of his career.

Lincoln read Shakespeare, Burns, and Byron assiduously, although without steadiness or system. Indeed, at this time in his

[1] This must not be confounded with the Lyceum, where public lectures and addresses were given and which was in existence some years before Lincoln came to Springfield.

[2] Herndon, I, 187. *Reminiscences of Abraham Lincoln:* Joshua F. Speed, a Lecture, 23.

[3] Onstot, 54–5.

[4] Herndon, I, 188–9. Also Speed to Herndon, Sept. 17, 1866. Weik MSS.

life he did nothing according to plan or with any sort of regularity, except, perhaps, the practice of politics. Even the times of eating his meals, of going to bed and getting up, were determined by whim. His habits were, testifies Speed, 'regularly irregular.' But he remembered all he read and could quote more poetry than any man in town. He read Milton as well as law, and especially the newspapers; and, says Speed, he 'retained them all about as well as an ordinary man would any one of them who made only one at a time his study.' But no program or schedule of reading 'was ever checked out.' [1]

Lincoln's room-mate was amazed at his memory. 'I once remarked to him,' writes Speed, 'that his mind was a wonder to me. That impressions were easily made upon his mind and never effaced. "No, said he, you are mistaken. I am slow to learn and slow to forget that which I have learned. My mind is like a piece of steel, very hard to scratch any thing on it and almost impossible, after you get it on, to rub it out."' In short, Speed, who knew Lincoln as no other man except Herndon ever knew him, finally concluded that 'Mr. Lincoln was so unlike all the men I had ever known before or seen or known since that there is no one to whom I can compare him.' [2] His memory impressed everybody. 'Mr. Lincoln had an astonishing memory,' says Gillespie. 'I never found it at fault. He could recall every incident of his life, particularly if any thing amusing was connected with it.' [3]

Lincoln liked Byron greatly, particularly 'Childe Harold's Pilgrimage,' 'Mazeppa,' and the 'Bride of Abydos.' Speed must have sharpened his interest in Byron, for he says that Lincoln had not read Byron a great deal 'previous to my acquaintance with him.' [4] Next to Shakespeare, however, Lincoln was fondest of Burns. He constantly recited Burns's immortal satire on unction and hypocrisy, 'Holy Willie's Prayer.' That attack of the Scottish poet on religious conceit, together with his 'Address to the Unco Guid, or Rigidly Righteous,' may almost be said to have stated Lincoln's views on the religion of the times, at this

[1] Speed to Herndon, Dec. 6, 1866. Weik MSS. [2] *Ib.*

[3] Gillespie to Herndon, Jan. 31, 1866. Weik MSS.

[4] Speed to Herndon, Jan. 12, 1866. Weik MSS.

period of his development.[1] For it appears that during his early years in Springfield he rejected orthodox Christianity.[2] He did not go to church, although at first, as he explained to Mary Owens, this was because he would not know how to behave himself.[3] Throughout his life he never became a member of any religious denomination, and not until a dozen years after he left the Legislature in 1841 did he become a regular attendant at church services.[4]

If Lincoln may be said to have done anything whatever continuously during these years, except to give attention to politics, it was to read newspapers and at the same time, strangely enough, to study literary style. The Springfield press printed all the State papers, as they appeared, and the speeches of leaders in Congress, especially those of Clay, Webster, Calhoun, and Benton. At the office of the *Sangamo Journal* Lincoln found the *National Intelligencer*, the great Whig organ published at Washington, as well as the more important papers of the Eastern and Southern cities. The papers of Illinois towns and cities were there, of course.

Lincoln incessantly strove to improve his method of statement and expression. His ideal, formed in boyhood, was clear-

[1] Matheny's statement, May 3, 1866. Weik MSS.

[2] 'Mr. Lincoln's Religion as I understand was of a low order — he was an infidel especially when young, Say from 1834 to 1840.' Stuart's statement, no date. Weik MSS.

'He did not believe in the orthodox theology of the day. He was a Universalist top root and all in faith and sentiment. I have talked this often and often with him commencing as early as 1834 and as late down as 1859.' Isaac Cogdale's statement, no date. Weik MSS.

'He often in conversations as late as 1850 avowed his ideas in this city [on religion] I have heard him — so has Judge Matheny, Stuart and many others.' Herndon to Weik, Feb. 11, 1887. Weik MSS.

'I have often heard Mr. Lincoln talk of the miraculous conception, inspiration, Revelation, Virgin Mary say in 1837–8–9, etc. His was the language of respect yet it was from the point of ridicule, not scoff, as I once loosely said.' Matheny's statement, no date but 1865 or '66. Weik MSS.

'I think that after he was elected President, he sought to become a believer, and to make the Bible a preceptor to his faith and a guide to his conduct.' Speed to Herndon, Jan. 12, 1866. Weik MSS.

'Mr. Matheny told me that he understood that up to the time Lincoln left Springfield, Ills., in 1860, that he was a confirmed infidel, but that after he got to Washington and associating with religious people that he [Matheny] believes that Mr. Lincoln thought he became a Christian.' Matheny's second statement, Dec. 9, 1873. Weik MSS.

[3] Lincoln to Mary Owens, May 7, 1837. *Works*, I, 53.

[4] 1852.

ness and simplicity. He still indulged in that rodomontade then considered to be eloquence;[1] but the artist in him was constantly at work and in time was to make him one of the great masters of style. For, above everything else, Lincoln was by nature a literary artist. 'He was a great admirer of the style of John C. Calhoun,' testifies Speed. 'I remember reading to him one of Mr. Calhoun's speeches in reply to Mr. Clay in the Senate, in which Mr. Clay had quoted precedent. . . . Calhoun replied "that to legislate upon precedent is but to make the error of yesterday the law of to-day." Lincoln thought that was a great truth greatly uttered.'[2]

He was more than ordinarily efficient in the trial of cases before juries, and in Springfield as well as on the circuit his practice grew rapidly and steadily. But politics attracted him more than anything else and in that field his success was notable. He had lived in Springfield less than three years when he became one of the small Whig coterie directing that party. In fact, in the absence of Stuart, Lincoln was the head of the Whig 'Junto,' as this group was called. They were influential in the naming of every Whig candidate for any office, little or big; the decision of the 'Junto' as to who should be nominated by Whig conventions was usually accepted and ratified by those party representative assemblages.

A conspicuous instance of this autocratic party control was the selection of a Whig candidate from Menard County for the Legislature at the special election of 1839. Unable to decide, the Whigs of Petersburg referred the matter to 'the Springfield Junto,' Lincoln, Logan, and Baker; and this triumvirate 'at once' selected John Bennett, even over Bowling Green, Lincoln's old friend and benefactor. 'Would Mr. Lincoln be likely to urge a candidate upon the people, unless he were well assured that he would, if elected, go the whole hog with the Springfield Junto members?' asked the Democratic paper, in a stinging editorial on the 'Dictation' of the clique.[3]

[1] See for example Lincoln's gaudy perorations in his 'Lyceum Speech' and his 'Subtreasury Speech.'

[2] Speed to Herndon, Dec. 6, 1866.

[3] *Illinois State Register*, Nov. 16, 1839. Petersburg, county seat of Menard County,

The Bennett candidacy excited much animosity against the 'Junto.' 'I have heard a great deal said of late about Messrs. Lincoln, Baker, and Logan, bringing out Mr. Bennett,' wrote a sarcastic correspondent of the *State Register*. 'But were they not justifiable? Had not Messrs. Lincoln and Baker lost entirely the confidence of the people of Menard [County]?' So must they not satisfy 'their Whig friends' in that county? 'I am not the apologist of Messrs. Lincoln and Baker, but it does appear to me unjust to blame them for doing that which it was their interest to do.' [1]

The Democratic organ became sharply incensed at Lincoln because in one of the many Whig-Democratic debates he had called the editors of the *State Register* 'liars,' for having said that he was for Bennett when, in fact, he was, as he then claimed, for Bowling Green. In an editorial that paper attacked the audacious young Whig boss. 'Such was the language of the man selected by the Whig party to be an elector of the high office of President of the United States — language made at a time when he was shielded from being met in reply by regulations publicly proclaimed in the presence of Mr. Lincoln at the opening of the evening's discussion.' The *Register* then republished a letter from Petersburg in proof of its statement that Lincoln, Baker, and Logan did bring out Bennett. Why had Lincoln not denied the charge before? [2]

Nor was this the first time, it would seem, that such 'regular army discipline,' as Governor Ford described it, was exercised. It appears that Bowling Green wanted to run for some office in 1838 and, another being made the Whig candidate, Green rebelled, ran independently and was beaten. After the election the Whig organ printed a short editorial of regret, undoubtedly inspired by Lincoln.[3] The Junto made all party plans and devised the strategy of campaigns.

was near the site of New Salem which was abandoned for the new town about the time Lincoln went to Springfield. Menard County was cut off from Sangamon County in 1839, as were Logan and Christian Counties.

[1] *Illinois State Register*, Nov. 23, 1839. [2] *Ib.*

[3] 'To see our old friend, Bowling Green, beaten, and to have been under the necessity of aiding in defeating him, we confess is, and has been, extremely painful to us. Under other circumstances we would have been glad to do battle for him; but as it was, he

In 1839 these young [1] Whig managers were in high feather, and they grievously irritated the Democratic leaders. The Whig paper, 'the Federal junto's organ,' as the Democrats called it,[2] published a series of anonymous letters, one of them, signed 'Madison,' assailing the editor of the Democratic paper. 'The writer is no doubt one of the Junto,' declared the *Register* in a caustic editorial, 'whose members deliberate in secret, write in secret, and work in darkness — men who dare not let the light of day in upon their acts — who seek to rule a free people by their edicts passed in midnight secrecy.... The *mask* is on them in all their acts.' [3]

Since neither Logan nor Baker is known ever to have written letters to the press under pseudonyms, and Lincoln had done so in the Adams controversy, the Democratic editor's reference is obviously to Lincoln. As we shall presently see, he was soon to write another unsigned letter to the *Journal* for which he was to be called to sharp account and which was to stop forever his writing of anonymous letters and personal attacks.

For four years, then, Lincoln had made rapid progress in Springfield. In law, politics, and general favor his advancement had been unchecked by a single reverse. From April, 1837, until some time in 1840, there was not a more cheery young man in Sangamon County. 'No man ever had an easier time of it in his early days ... than Lincoln,' declares Herndon of his idol's first years in Springfield. 'He had ... influential and financial friends to help him; they almost fought each other for the priv-

threw himself in the ranks of our enemies, and therefore we could do no less than we did.' *Sangamo Journal*, Aug. 11, 1838.

[1] Their respective ages were: Lincoln thirty, Baker twenty-eight, Logan thirty-nine.

[2] *Illinois State Register*, Sept. 7, 1839.

[3] *Ib.*, Nov. 9, 1839. The *Register* asks the editor of the *Journal* if he 'expects us to reply to his anonymous correspondents, whom he allows week after week to assail us under the false mask of a fictitious signature.' After ascribing the authorship of the 'Madison' letter to a member of the Junto — Lincoln, Logan, or Baker — the *Register* continues: 'For the men who compose this SECRET TRIBUNAL, we have nought but contempt. Let them disband their unholy league, throw away the "*dagger* and the *chord*," turn honest, and cease to tyrannize over their fellow men, and we may yet respect them. Till then, we must regard them as a secret band of tyrants and oppressors, whose hands are against every man who does not bow down to them.'

ilege of assisting Lincoln. . . . Lincoln was a pet . . . in this city.' Herndon adds that 'he deserved it.' [1]

No evidence exists of gloom or despondency in his talk or conduct until December, 1840, while all the testimony of acquaintances, observers, and friends is of his gay spirits and good humor throughout this period.[2] He was no longer the 'humble Abraham Lincoln' of New Salem. Soon that lost humility was to be restored, but by processes of suffering and abasement.

In only one phase of life in Springfield had Lincoln not been brilliantly successful — the social phase. He was, indeed, one of six 'managers' of a 'Cotillion Party,' given at the American House soon after the Legislature convened for the first time in the new State capital; [3] but this affair was entirely political.[4] The young Whigs were anxious that Mrs. Browning should be at the capital; and Lincoln joined Hardin, Dawson, and Webb in an appeal to her to come forthwith, 'bringing in your train all ladies in general . . . and all Mr. Browning's sisters in particular.' For 'we are in great need of your society in this town of Springfield' and will obey all your orders and those of Miss Browning also.[5]

This whimsical petition, cast in the form of a bill in chancery, was forwarded in a letter to Mrs. Browning, signed by Hardin and Lincoln and, though written by Hardin, was plainly their joint composition. Business cannot proceed in her absence they tell her; in fact, nothing can begin while she and Hardin's wife are away. But if Mrs. Browning will come, all will be well in the

[1] Herndon to Weik, Jan. 15, 1886. Weik MSS.

[2] The exception is Speed's and Butler's description of Lincoln's melancholy on the day he came to Springfield, caused by his extreme poverty. See Vol. I, pp. 208–9, *supra*. On the contrary, Herndon makes mention of Lincoln's 'lively humor' as one of the things that 'imprinted his individuality' on Herndon from the beginning. Herndon, I, 181.

[3] The special session of 1839–40, which began Dec. 9, 1839. The 'Cotillion Party' was held Dec. 16, 1839.

[4] Douglas, McClernand, Shields, and Whiteside were also 'managers,' as were Speed, Edwards, Merryman, and others. Obviously this dance was given as a celebration of the first meeting of the General Assembly at Springfield after the removal of the capital, and as a welcome to the members of the Legislature and their wives.

As we have seen, the enemies of Springfield in the Legislature were alert and determined. So the managers of the ball included an equal number of leading Democratic and Whig politicians. It had no local social significance whatever.

[5] Dawson, Lincoln, Webb, and Hardin 'To the Honorable Mrs. O. H. Browning,' Dec. 11, 1839. MS. copy, Barrett Collection.

important matter of 'visiting, conversation, and amusement.' Butler has agreed to give her his parlor; if he fails, 'I promise as a gallant knight to give you the privilege of hanging up on a peg in my closet whenever it may seem convenient. I have been visiting the ladies this evening, they say it will be quite gay this winter, several ladies from a distance being here, with the intention of spending the winter. Mrs. Hardin will be here next week.' When Mrs. Browning arrives, her husband 'will be considered . . . as the minor party of the Quincy Delegation.'[1]

While Lincoln strove to be attractive and pleasing when he attended social gatherings, he was not in high favor with women generally. The men, however, clustered about him to listen to his boisterous stories and witty comment. Lincoln never got on well with women. Even in his boyhood he had shunned them, and in his early manhood at New Salem, his closest association with women had been with frontier matrons like Mrs. Jack Armstrong, Mrs. Bennett Abell, and Mrs. Bowling Green, each of whom cared for his needs and, in general, mothered him. Lincoln did not understand women, it appears, or, as Mary Owen put it, 'he was deficient in those little links that make up the chain of woman's happiness.' It may be that he distrusted himself and doubted his capacity to please and entertain women — seemingly standing in awe of them. At any rate he was curiously shy, ill at ease, and even perplexed in their presence. Yet, stranger still in view of this attitude, Lincoln had an eager desire for feminine company. Of the many contradictions in his complex character, no one is more striking than his attitude toward women.

At the particular time we are reviewing, the heart of the social life of Springfield and, in fact, of Illinois, was the Edwards family. Its political power was extensive, and its influence with the commercial and financial interests of the State was consider-

[1] Lincoln and Hardin to Mrs. Browning, Dec. 11, 1839. MS. Barrett Collection. She positively must be in Springfield by December 25 'as a living Christmas present, as large as life, twice as natural, and three times as agreeable.'

Mrs. Browning was not only powerful socially but influential in politics. Ten years later Baker wrote her intimately about his political ambitions and those of Browning — she is 'the ministering angel of his [Browning's] fortune.' Baker to Mrs. Browning, Feb. 1, 1849. MS. Barrett Collection.

able.[1] Soon after he entered the Legislature Lincoln became closely associated, as we have seen, with Ninian W. Edwards, his colleague from Sangamon County, son of Governor Edwards; and with Cyrus Edwards of Alton, the Governor's brother, a member of the State Senate from Madison County.

The wife of Ninian W. Edwards[2] was Elizabeth P. Todd, whom he had married in Kentucky, February 16, 1832, while attending Transylvania University. She was the eldest of four sisters, daughters of Eliza (Parker) and Robert Smith Todd, a prominent citizen of Kentucky and a man of considerable wealth. The second of these daughters, Frances Todd, came to Springfield to visit her sister Mrs. Edwards, and soon married[3] Dr. William S. Wallace, a leading physician of the town and a prosperous druggist as well.[4] Lincoln's partner, John T. Stuart, was a first cousin of the Todd girls, their father being the brother of Stuart's mother, Hannah Todd. Thus the Edwards, Stuart, Wallace, and Todd families were closely related by blood or marriage, and they constituted a social unit. To this aristocratic clan also belonged the families of Gershom Jayne and Charles R. Matheny.

In 1837, the year that Lincoln went to Springfield, the third of the Todd sisters, Mary Todd, came to the new capital to visit

[1] Ninian Edwards, the founder of the Edwards family, was a man of fine ability. Born in Maryland in 1775, and educated under the tutelage of William Wirt and at Dickinson College, Pennsylvania, he went to Kentucky when a youth, was elected to the Legislature before he was twenty-one years old, and became Chief Justice of the Court of Appeals before his thirty-second year.

While serving on the Bench, Madison appointed him Governor of the Territory of Illinois; and when that State was admitted to the Union, Gov. Edwards was elected to the National Senate. He resigned from the Upper House of Congress after several years of service, to become Minister to Mexico, but was recalled before reaching his post. Upon his return to Illinois he became Governor of the State from 1826 until 1830.

Governor Edwards died at Belleville, Ill., in 1833. The political organization which he had built up was not without influence for many years after his death and may be said to have been the foundation on which was built the organization of the Whig party of Illinois.

[2] Ninian Wirt Edwards was born near Frankfort, Kentucky, April 15, 1809, and was but two months younger than Lincoln. He was named after his father and also after William Wirt, his father's first preceptor.

[3] May, 1839. Statement Mrs. Jessie Palmer Weber to author, March 23, 1925.

[4] Some years afterwards another sister, Anne Maria Todd, youngest of the Todd girls, also came to Springfield and married C. M. Smith, a rich business man. 'I remember her well. She was the most quick tempered and vituperative woman (if I can use such a word), of all the sisters.' Mrs. Weber to author, March 23, 1925.

her sister Mrs. Edwards. She stayed three months and went back to Kentucky where she remained two years, finishing her education.[1] Her parents were cousins and her mother dying while Mary was a child, her father had married for his second wife, Elizabeth, daughter of Dr. Alexander Humphreys of Frankfort, Kentucky. The spirited girl quarrelled with her step-mother and her sister, Mrs. Edwards, 'wrote to Mary to come out and make our home her home.' Thus she returned to Springfield in the autumn or early winter of 1839 to live with the Edwards family.[2]

So Mary Todd was in Springfield just after Lincoln had secured the removal of the State capital to that place and probably witnessed the vociferous welcome of the 'Long Nine' by the delighted citizens. Certainly she heard the praise of Lincoln with which the town throbbed for months thereafter. She was in Springfield, too, as a permanent member of her sister's family, when the 'Cotillion Party' was held; and she undoubtedly attended that ball.

Born in Lexington, December 13, 1818, Miss Todd was then just twenty-one years of age. She was below medium stature, rotund, inclined to stoutness, weighing about one hundred and thirty pounds. Her face was round, eyes not large and bluish gray in color, mouth firm and severe, brow full and rather high, hair dark brown and abundant. She was spirited, vivacious, witty, entertaining, and fluent in conversation, with a tendency to sarcasm and quick, sharp repartee. She was well educated for the times, and accomplished.[3] Her handwriting was regular and beautiful, and her use of language accurate. She read, spoke, and wrote French, having been trained in Madame Mentelle's private school at Lexington where only French was spoken. She finished her education at a girl's academy in Lexington which was so excellent that many girls from Northern States were sent there to complete their schooling.[4]

[1] Mrs. Abraham Lincoln's statement, no date. Weik MSS.

[2] Mrs. Edwards's first statement. Weik MSS.

[3] Herndon to Weik, Jan. 16, 1886. Weik MSS. And see Herndon, II, 207–8.

[4] Mrs. Abraham Lincoln's statement. Waldemar de Mentelle, a royalist, fled from France in the Reign of Terror to America and settled in Lexington, Ky.

On both sides the ancestry of Mary Todd was distinguished. Her paternal grandfather, General Levi Todd, of the Virginia family of that name, was famous as soldier and citizen in the pioneer history of Kentucky. Her father, Robert Smith Todd, was eminent in his State and President of the Bank of Kentucky when Mary came to Illinois. His first wife, the mother of his children, was the daughter of Elizabeth Porter of Pennsylvania, who married Robert Parker of Lexington, Kentucky. Mary Todd's maternal great-grandfather was General Andrew Porter of Revolutionary fame, who succeeded General Peter Muhlenberg as commander of the Pennsylvania troops in the War for Independence; and her maternal great-grandmother, the second wife of General Andrew Porter, was Elizabeth Parker, the daughter of Elizabeth Todd. Thus the Todd, Porter, and Parker families were closely united by consanguinity. All were proud of their family names and traditions, and the blood of all flowed in the veins of Mary Todd.[1]

Mary 'loved glitter, show and pomp and power,' and was abnormally ambitious for place and public distinction — 'the most ambitious woman I ever knew,' testifies her sister.[2] She 'often and often contended,' continues Mrs. Edwards, 'that she was destined to be the wife of some future President.'[3] She was nervous, sensitive, proud, and burdened with a furious temper which became ungovernable when cause for restraint was removed. But with her many accomplishments, her youth, her family connections, she at once became one of the belles of Springfield.[4]

The most prosperous young bachelor in town was Speed, a favorite in Springfield society and a frequent caller at the house of Ninian W. Edwards.[5] Speed asked Mrs. Edwards's permis-

[1] Todd genealogy. Weik MSS.

[2] Mrs. Edwards's first statement, no date; and second statement, Sept. 27, 1887.

[3] Mrs. Edwards's first statement. Weik MSS.

[4] Herndon, II, 209.

[5] Speed, too, was of Revolutionary and pioneer stock. His grandfather was James Speed of Mecklenburg Co., Virginia, a Captain in a regiment of the line; and Joshua's father, John Speed, was one of the early settlers of Kentucky. His mother was Lucy Gilmer Fry, the daughter of Joshua Fry, grandson of Joshua Fry who was associated with Dr. Thomas Walker and Peter Jefferson in surveying the southern boundary of Virginia. John Speed was a member of the Kentucky convention which brought about

sion to bring Lincoln and thus began his acquaintance with Mary Todd.[1] Mrs. Edwards recalls that he went to see Mary steadily during the winter of 1839–40, just after the marriage of her sister, Frances, to Dr. Wallace; and, during the spring, summer, and autumn of 1840 Speed and Lincoln 'were frequently at our house,' says Mrs. Edwards, Lincoln greatly enjoying the shade of the forest trees in the Edwards's yard. 'I . . . knew he was a rising man and nothing else modifying this, desired Mary at first to marry L.,' confesses her sister.[2] Ninian W. Edwards also always 'thought L[incoln] would be a great man' and jokingly made him promise that when he became President he would give Edwards a post office. Herndon adds that 'Edwards admits that he wanted Speed to marry Miss Edwards and Lincoln, Miss Todd.' [3] So Lincoln's attentions were welcomed and encouraged.

The young partner of Mary's cousin was captivated. The lively girl received him graciously but in the grand manner, and did practically all of the talking. When Mrs. Edwards chanced to come into the room she found her sister chatting gaily and Lincoln listening with rapt and silent attention, as if enthralled and under a hypnotic spell. 'He was charmed with Mary's wit and fascinated with her quick sagacity . . . and culture,' relates Mrs. Edwards; 'Lincoln would listen and gaze on her as if drawn by some superior power. . . . He listened — never scarcely said a word.' But, explains Mrs. Edwards, Lincoln 'could not hold a lengthy conversation with a lady — was not sufficiently educated and intelligent in the female line to do so.' [4]

Douglas, too, was a frequent caller on Miss Todd who flirted

the separation of that district from Virginia, while Joshua Fry was one of the first educators of Kentucky. *Lincoln:* Speed, 3; Collins, II, 625.

At the time treated in the text, the cousin of Ninian W. Edwards, Miss Matilda Edwards, daughter of Cyrus Edwards of Alton, was on a prolonged visit to Springfield and Mr. and Mrs. Edwards hoped that Speed would marry her. According to her cousin, Speed did propose and was refused, as was Douglas 'on the grounds of his bad morals.' First statement of Mrs. Edwards and of Ninian W. Edwards, Sept. 22, 1865. Weik MSS. The same story is told of Douglas and Mary Todd. P. 311, *infra.*

[1] Herndon, II, 209.

[2] Mrs. Edwards's second statement, Sept. 27, 1887. Weik MSS.

[3] Edwards's statement, Sept. 22, 1865. Weik MSS.

[4] Mrs. Edwards's first statement.

with him boldly and conspicuously. Lincoln's attentions had been so constant that her brother-in-law, Dr. Wallace, as well as Mr. and Mrs. Edwards, protested to Mary against her seeming partiality for Douglas.[1] Asked by her friends which suitor she intended to marry, she answered: 'Him who has the best prospects of being President.'[2] Although it was afterwards given out that Douglas had proposed to Mary and was refused because 'of his bad morals,'[3] that statement was obviously protective propaganda usual in such cases; for the shrewd, alert, and, even then, worldly-wise Douglas never asked Miss Todd to marry him.[4]

The course of the affair between Lincoln and Mary Todd is confused and complicated, only the main features being clear and well authenticated. The young woman admired the rising politician and lawyer, as did Stuart and Edwards. Indeed, many thought and some flatly said that Edwards planned the whole thing.[5] But the Todd and Edwards families scorned and detested the Hanks and Lincoln family; and Mary, especially, 'held the Hanks tribe in contempt and the Lincoln family generally — the old folks' in particular,[6] a feeling which she never overcame.

However, an engagement to be married finally resulted. But Lincoln soon wanted to get out of it; he was in the same frame of mind and feeling, it seems, that had so oppressed him in the case of Mary Owens. He wrote a long letter to his betrothed informing her of the doubtful nature of his affections and asking to be released. We can form a good idea of what he wrote to Mary Todd by again reading his final letter to Miss Owens.[7] Unfor-

[1] Herndon, II, 210–1. [2] Mrs. Edwards's first statement.

[3] Edwards's statement, Sept. 22, 1865.

[4] 'Douglas did not solicit the hand of Miss Todd in marriage. He did pay marked attention to her, but no more than he paid to Miss Sarah Dunlap, daughter of Col. James Dunlap, of Jacksonville, and Miss Julia Jayne, daughter of Dr. Gershom Jayne. During sessions of the Legislature, Springfield was a gay city, and Judge Douglas, being fond of society, was much in company of young ladies there. Miss Julia Jayne married Lyman Trumbull, Miss Dunlap married Gen. McClernand and, when later at Washington, the families were the closest of friends, socially, with the Douglas's.' Stevens, 323 *n.*, citing letter of Dr. William Jayne, Jan. 20, 1909.

[5] Matheny's statement, May 3, 1866.

[6] Herndon to Weik, Dec. 1, 1885. Weik MSS. [7] Vol. I, p. 156, *supra.*

tunately he showed this letter to Speed and asked him to deliver it. Speed refused and Lincoln said he would get somebody else to carry the letter. No, said Speed, don't write — that will give her an 'advantage over him [you]'; and he threw the letter in the log fire. 'If you have the courage of manhood, go see Mary yourself,' continued Speed; 'tell her, if you do not love her, the facts, and that you will not marry her;' but be quick about it, say little and leave soon.[1]

Lincoln assured Speed that he would follow his advice and started out to do so. But when he told the girl, she burst into tears, said wildly something to the effect of 'the deceiver being himself deceived,' Lincoln melted, took her in his arms and kissed her, and thus ended his attempt to sever their relations. Toward midnight Lincoln returned and told his room-mate what had happened. Speed was disgusted. Lincoln had 'not only acted the fool,' he said, but had renewed the engagement and 'in decency' could not back down again. Lincoln replied: 'Well, if I am in again, so be it. It's done, and I shall abide by it.'[2]

Finally Mary's sister and brother-in-law urged her to drop Lincoln because of their obvious and striking unfitness for each other[3] — sage counsel, since few couples have been more unsuited in temperament, manners, taste, and everything else except mutual ambition. 'She was,' says Onstot, 'entirely different from Abe in every particular.'[4]

So worried did Lincoln become about his health and mental condition that he wrote a long letter to Dr. Daniel Drake of Cincinnati, the most eminent physician in the West and head of the medical department of the College of Cincinnati. Dr. Drake had been brought up in Kentucky, was professor of *materia medica* in Transylvania University when the Lincolns moved to Indiana and, even then, had a wide reputation. Lincoln described his case and asked Dr. Drake for an opinion and course

[1] Speed's statement, Sept. 17, 1866. Herndon, II, 212.

[2] *Ib.*, 213.

[3] Mrs. Edwards's first and second statements, no date, and Sept. 27, 1887. Weik MSS.

[4] Onstot, 33.

of treatment; but the physician refused to give either without personal examination.[1]

Part of this letter Lincoln read to Speed, but he refused to read or let him see the other part. Speed, who as we shall presently see, was highly sentimental and romantic, imagined that these mysterious, hidden lines described his love for Ann Rutledge.[2] But years afterwards Lincoln told his partner, Herndon, that he thought himself affected by a bodily ailment — 'the note to Dr. Drake in part had reference to his disease and not to his crazy spell [over Ann Rutledge], as Speed supposes.' [3]

Nothing was done, the weeks wore on, and the time of the wedding was set for January 1, 1841. 'Everything was ready and prepared for the marriage, even to the supper,' relates Mrs. Edwards. But on that 'fatal' day, as Lincoln afterward called it, nothing was seen or heard of him, he took out no marriage license and, although the expectant bride was waiting, the groom did not appear — 'cause insanity,' declares the bride's sister.[4] Twice did Mrs. Edwards give Herndon the same statement about the preparations for the wedding and Lincoln's absence; and a third time she told the same story to another enquirer: 'she said arrangements for the wedding had been made — even cakes had been baked, but L. failed to appear,' Weik records in his diary.[5]

[1] Speed to Herndon, Nov. 30, 1866. Weik MSS.

Daniel Drake was the author of *Pioneer Life in Kentucky*, so frequently cited in Chap. II of this volume. He was about fifty-five years old when Lincoln wrote him, the acknowledged head of his profession and greatly admired and respected. Few men have had a more brilliant and worthy career.

Lincoln could not possibly have done better than to have gone to Cincinnati and personally consulted this wise, experienced, and highly educated physician, and it was a serious mistake that he did not do so.

[2] Speed to Herndon, Nov. 30, 1866. Weik MSS.

[3] Herndon to Weik, Jan., 1891. Weik MSS. In this confidential letter, written not long before his death, Herndon reminds Weik that he had told him this when in Greencastle, Ind., where Weik was revising the Herndon-Weik *Life of Lincoln*. Herndon says that he made a note of Lincoln's statement to him in his memorandum book, but loaned it to Lamon who never returned it. He fears that this may turn up and, in case it does, gives Weik the facts so that his literary partner can defend him.

[4] Mrs. Edwards's first statement. Weik MSS.

[5] Diary of Jesse W. Weik, Thursday, Dec. 20, 1883. MS. Weik was then pension examiner at Springfield. His diary consists of daily entries of official and other business matters. The portion of the page relating to the interview with Mrs. Edwards states: 'In the afternoon called at the home of N. W. Edwards and wife. Asked the latter as

The Edwards house did not see anything of Lincoln again for nearly two years.[1] 'The world had it that Mr. L backed out and this placed Mary in a peculiar situation,' explains Mrs. Edwards. So 'to set herself right and to free Mr Lincoln's mind, she wrote a letter to Mr L stating that she would release him from his engagements.'[2] Edwards confirms his wife's statement, adding, however, that, in releasing Lincoln, Miss Todd left 'Lincoln the privilege of renewing it if he wished.'[3] For the second time, says Mrs. Edwards, 'Mr. Edwards and myself, after the first crush of things, told Mary and Lincoln that they had better not ever marry — that their natures, mind[s], education, raising, etc. were so different they could not live happy as husband and wife — had better never think of the subject again.'[4]

Thus came about that mental and physical condition that kept him from the Legislature for a time and clothed him with apathy and gloom when finally he felt able to attend the sessions of the House. 'Lincoln . . . went as crazy as a Loon,' testifies Ninian W. Edwards, who avers that he 'did not attend the Legislature in 1841 & 2 for this reason.'[5] Speed gives the same explanation of Lincoln's absence from the House: 'In the winter of 1841 a gloom came over him till his friends were alarmed for his life. Though a member of the Legislature he rarely attended its sessions.'[6]

to marriage with Lincoln of her sister Mary Todd.' Then follows the sentence quoted in the text, and the entry continues: 'At this point Mr. Edwards cautioned his wife that she was talking to a newspaper man and she declined to say more. She had said that Mary was greatly mortified by L.'s strange conduct. Later they were reunited and finally married.' Original owned by Jesse W. Weik, Greencastle, Ind.; a photograph of the page from which the above extract is taken is in possession of the author.

[1] Forty-six years after the event, Mrs. Edwards, in her second statement to Herndon, and, obviously, to put a new and more attractive face on the matter, said that 'Lincoln's and Mary's engagement, etc. were broken off by her flirtations with Douglas.' Mrs. Edwards's second statement, Sept. 27, 1887. Weik MSS.

[2] Mrs. Edwards's first statement.

[3] Edwards's statement, Sept. 22, 1865. Weik MSS.

[4] Mrs. Edwards's first statement. Weik MSS.

Herndon assured Henry C. Whitney that 'he verified every fact as if it was in a Court proceeding and under oath;' and Whitney, who knew Herndon well, adds that 'Herndon [was] a man of the strictest honor.' Whitney to Weik, April 28, 1896. Weik MSS.

[5] Edwards's statement, Sept. 22, 1865. Weik MSS. In error Edwards places the time one year after the true one.

[6] *Lincoln:* Speed, 39.

James H. Matheny declares that Lincoln was 'crazy for a week or so, not knowing what to do.' [1] Mrs. Edwards thought that Lincoln 'went crazy . . . because he wanted to marry and doubted his ability and capacity to please and support a wife.' [2] That he was in great mental distress is certain. His friends searched for him throughout the night of January 1, but did not find him until dawn. Lincoln was in a pitiable state. So desperate was he that Speed feared he would kill himself — 'knives and razors, and every instrument that could be used for self-destruction were removed from his reach,' deposes Lincoln's room-mate.[3]

Lincoln himself bears testimony to his lamentable condition as late as three weeks after he had fled from the wedding. 'I have within the last few days, been making a most discreditable exhibition of myself in the way of hypochondriacism,' he writes Stuart who was in Washington. Lincoln urges his partner to appoint Dr. A. G. Henry postmaster at Springfield. 'You know I desired Dr. Henry to have that place when you left; I now desire it more than ever,' because 'I got an impression [on account of the 'hypochondriacism'] that Dr. Henry is necessary to my existence. Unless he gets that place he leaves Springfield. . . .

[1] Matheny's statement, May 3, 1866. Weik MSS.

[2] Mrs. Edwards's first statement.

The expressions applied to Lincoln's condition cannot be considered capable of scientific interpretation in the light of our present day knowledge of mental disorders. The evidence is too meagre for correct diagnosis and there is no proof that Lincoln was even temporarily insane. His behavior was peculiar, he suffered from marked depression — melancholia — and as is not unusual with the tender-minded, he was for some cause passing through some mental conflicts. Such depression, with accompanying mental disturbances, may easily be exaggerated, yet still exclude the idea of insanity. But Lincoln had no delusions or any of the symptoms of 'insanity.' Dr. Morton Prince writes: 'The most interesting fact brought out by you is the quality of Lincoln's mind. I mean his sensitiveness, or tender-mindedness, or whatever you choose to call it, by which his conflicts occurred and raised havoc with him. He had a conscience. The "tough-minded" have no conflicts, or if they have they are not torn by them.' Letter to author, Sept. 1, 1925.

Because of Lincoln's reticence on his mental conflicts the psychiatrist has nothing to guide him to an opinion. Dr. C. Macfie Campbell, of Boston, makes the interesting suggestion that the facts, so far as known, 'would indicate very simple depression of mood with no artistic elaboration nor flight of fantasy. . . . He is a man whose emotional reactions were apparently rather strong than complicated. He dealt with life more through the direct mechanisms of the emotions than through that of the creative imagination.' Letter to Dr. Prince, Oct. 26, 1925.

[3] Speed to Herndon, Jan. 6, 1866. Herndon, II, 215.

My heart is very much set on it. Pardon me for not writing more; I have not sufficient composure to write a long letter.' [1]

Three days after sending this letter, Lincoln again writes Stuart in answer to a letter from his partner, 'though from the deplorable state of my mind at this time, I fear I shall give you but little satisfaction.' Still he tells Stuart briefly the political news — three Whig papers are out for Stuart's renomination and others will follow; 'our friends' met at Butler's last night, and are 'unanimously in favor of having you announced as candidate;' Stuart's reëlection 'is sure, if it be in the power of the Whigs to make it so.'

But Lincoln cannot write more, he says: 'It is not in my power to do so. I am now the most miserable man living. If what I feel were equally distributed to the whole human family, there would be not one cheerful face on the earth. Whether I shall ever be better, I cannot tell; I awfully forbode I shall not. To remain as I am is impossible; I must die or be better, it appears to me. The matter you speak of on my account you may attend to as you say, unless you shall hear of my condition forbidding it. I say this because I fear I shall be unable to attend to any business here, and a change of scene might help me. If I could be myself, I would rather remain at home with Judge Logan. I can write no more.' [2]

Such were Lincoln's feelings nearly a month after his collapse on his wedding day and, as will appear, he did not greatly improve for a long time. Even a year later, Matheny thought that Lincoln would kill himself.[3] Thus was first administered to this elemental man the stern discipline of humiliation — discipline priceless to those strong enough to survive it. Soon after Stuart received Lincoln's letters the partnership between them was

[1] Lincoln to Stuart, Jan. 20, 1841. MS. owned by Milton Hay Brown, Springfield, Ill., photostat in possession of author. Lincoln adds: 'We shall shortly forward you a petition in his [Henry's] favour signed by all or nearly all the Whig members of the Legislature as well as other Whigs. This, together with what you know of the Dr.'s position and merits, I sincerely hope will secure him the appointment.'

[2] Lincoln to Stuart, Jan. 23, 1841. *Works*, I, 157–9.

[3] During 1842 I 'thought L[incoln] would commit suicide.' Matheny's statement, May 3, 1866. Weik MSS.

dissolved; but Logan, who seems to have sympathized with Lincoln, took him into his office as partner and the firm of Logan and Lincoln was announced May 14, 1841.[1]

On the same 'fatal first of January,' 1841, Speed sold his store in Springfield to Charles R. Hurst [2] and, two or three months thereafter, went to Louisville where his family lived. He had insisted that Lincoln should come to Louisville for consolation and repose; and Lincoln writes his friend and confidant: 'I stick to my promise' to do so.[3] In the same letter he gives Speed a long account of a supposed mysterious murder which caused the 'highest . . . excitement' ever known in Springfield and describes the preliminary trial, in which Logan, Baker, and he defended the accused. Lincoln closes with this cryptic sentence: 'I have not seen Sarah since my last trip, and I am going out there as soon as I mail this letter.' [4]

Sarah Rickard was a sister-in-law of William Butler, at whose house Lincoln had boarded since he came to Springfield four years earlier. When Speed left Springfield, Lincoln went to Butler's house to live. Mrs. Butler's sister, Sarah, had made her home at the Butlers' since childhood. When Lincoln first went there for his meals she was twelve years old and at once became fond of the kindly, humorous, considerate boarder, as children always were fond of Lincoln. Sarah was sixteen at the time of her hero's interrupted love affair with Miss Todd. At some time during or after his disturbance over his engagement or, perhaps, while his depression was upon him following the broken wedding arrangements, Lincoln asked Sarah Rickard to marry him. He argued that, since his name was Abraham and her name was Sarah, they plainly were meant for one another. But Sarah declined, because, as she confesses, 'I was young only 16 years old and had not thought much about matrimony. . . . He seemed

[1] *Sangamo Journal* of that date. Herndon, II, 264. Their office faced the public square and was on the corner of Adams and South Sixth Streets.

[2] Hurst was a young business man from Philadelphia who had come to Springfield seven years before as a clerk for the big dry goods firm of Bell and Tinsley. Power, 393. He roomed with Speed and Lincoln over Speed's store.

[3] Lincoln to Speed, June 19, 1841. *Works*, I, 168–75.

[4] *Ib.* In the *Works* the word Sarah is omitted. The originals of Lincoln's letters to Speed are in the Barrett Collection.

allmost like an older Brother being as it were one of my sisters family.' [1]

Months afterward, when he had temporarily regained his senses and old time spirits, Lincoln wrote Speed about Miss Rickard. He had returned from the trip to Louisville, upon which we are now to accompany him, and, while there, had talked to Speed about her. Writing to his confidant of other matters, he closes with these puzzling sentences: 'I have seen Sarah but once. She seemed very cheerful, and so I said nothing to her about what we spoke of.' [2] For the third time, as we shall see, Lincoln wrote to Speed of Miss Rickard, in language still more perplexing. Thus another strand of confusion is drawn into Lincoln's matrimonial tangle.

Finally about the first week in August, 1841, Lincoln went to Louisville to visit Speed and get what relief the intimate companionship of that trusted friend could afford. 'Lincoln came to see me and staid some time at my mother's in the summer and fall of 1841,' says Speed,[3] and there he continued throughout the

[1] Mrs. R. F. Barret [Sarah A. Rickard] to Herndon, Aug. 3, 1888. Weik MSS. And see Herndon, I, 230 *n*.

'Mr. Lincoln did Propose marriage to me in the winter of 1840–41.' *Ib.* In another letter to Herndon, undated, which because she had a 'Soar finger' was written for her by her husband, Sarah Rickard says:

'When I first met Mr Lincoln at Mr Butlers I was ten or twelve years of age. as I Grew up he use to take me to little Entertainments the first was the Babes in the woods he tooke me to the first Theatre that ever played in Springfield. when I arrived at the age of 16 he became more attentive to me. I allway liked him as a friend but you Know his peculiar manner and his General deportment would not be likely to fasinate a Young Girl just entering into the society world.' Sarah A. Barret (Rickard), no date, to Herndon. Weik MSS.

'My wife's mother, stepmother, was a Rickard. . . . She says that she has heard Mrs. Butler, a Rickard as well as her [Mrs. Herndon's] stepmother a Rickard say that Lincoln did court Sarah and that she would not have him.' Herndon to Weik, Sept. 13, 1887. Weik MSS.

'Saw John Lightfoot today: he says . . . that it was currently reported . . . that Lincoln courted Sarah Rickard — that she flung him high and dry (Rem[em]ber Speed letter about the word *Sarah*). . . . Lightfoot's evidence I read to my wife and that suggested to her the whole story.' *Ib.*

[2] Lincoln to Speed, Feb. 3, 1842. *Works*, I, 185–7. Again Sarah is left blank in Lincoln's published writings. Original in the Barrett Collection.

[3] Speed to Herndon, Sept. 17, 1866. Weik MSS.

'In the early summer of 1841 Mr. Lincoln came to Kentucky and spent several months at Farmington, the home of my mother, near this city [Louisville].' *Lincoln:* Speed, 39.

An election was held in Springfield Aug. 2, and Lincoln was present and voted. So

remainder of the summer and early autumn. He 'was kept there till he recovered finally,' inaccurately says Ninian W. Edwards.[1] These weeks are important in the change wrought in Lincoln and in the effect that change had on his personal future.

The Speed house was then one of the largest in or near Louisville. A red brick building, it still stands in perfect repair and is impressive for its generous proportions and the beauty of its simple lines. The house is of two stories, the family living principally in the main or second story. Some ten steps lead to the beautiful portico and doorway. A long, broad hall extends through the entire length of the house, and at the back part of this main story is a veranda looking over level and extensive acres to the forest a mile or more away.

The house is built on a slight elevation, at the foot of which a small brook meanders lazily. The stone foundations of some of the slave quarters may yet be seen at the usual distance from the dwelling. The Speed mansion, standing about a quarter of a mile from the main road, was about five miles from the city at the time of Lincoln's visit and a more tranquil spot it would have been hard to find.[2]

To Lincoln was given one of the pleasant bedrooms, and here his morning coffee was served to him in bed, by a slave assigned to his personal service. For the first time in his life he knew the meaning of comfort and luxury. For the first time in his life, too, he lived under the same roof with women of gentle birth. Mrs. Speed was a Southern woman, cultivated, religious, and of gracious manners. Speed's sister Mary, a young woman worthy of her mother, was also there. Speed himself was about most of the time. A joyous little girl, Eliza Davis, was of the household too. When his mood prompted, Lincoln would ride into the city, or be driven to town in the family carriage. Frequently he went to the law office of Speed's brother, James, whom he one day was to make Attorney General of the United States, and

he left for Kentucky after that date. Mr. Angle thus corrects the usual error of naming June as the time of the visit.

Speed's father, John Speed, had died some seventeen months before — March 30, 1840.

[1] Edwards's statement, Sept. 22, 1865. Weik MSS.

[2] Personal inspection and *Lincoln:* Speed, 3. See *James Speed. A Personality:* James Speed (a grandson), 1914, where the house is well pictured.

there talked over politics and legal matters with that accomplished lawyer.[1]

Just at that time Speed was paying court to Miss Fanny Henning, a lovely young woman who was soon to become his wife, and this marriage was to have decisive influence on Lincoln. Speed had often written to Lincoln of his infatuation, but had not yet proposed. Fanny was an orphan and lived with her uncle, John Williamson, who had given the young merchant no opportunity to make love to his niece; for the old gentleman, a violent Whig, always insisted on talking politics when her suitor called and would never leave them alone. Speed was anxious that his friend should see the young woman and took Lincoln with him on one of his visits. With a meaning look at Speed, Lincoln, pretending to be a Democrat, engaged Fanny's uncle so heavily in a political argument that the lovers got their chance to be alone, and thus Speed proposed and was accepted.[2]

Sometimes a merry company took him with them on journeys to other towns and places of interest and on such excursions Lincoln had gay hours. Once he went with Speed to Lexington where Miss Henning had gone on a visit. He romped with Mary Speed about the house at Farmington, as the Speed plantation was called, and was cheered by other kindly and attractive women, friends and neighbors of Mrs. Speed. Writing to Mary Speed after his return to Illinois Lincoln reminds her that 'you and I were something of cronies while I was at Farmington, and that while there I was under the necessity of shutting you up in a room to prevent your committing an assault and battery upon me.'[3] He recalls the pleasant times they had together, eating 'delicious dishes of peaches and cream.' Lincoln was immensely taken with Speed's betrothed. 'Are you not convinced that she is one of the sweetest girls in the world,' he asks Mary Speed.

[1] 'I saw him daily; he sat in my office, read my books, and talked with me about his life, his reading, his studies, his aspirations.' James Speed before the Society of the Loyal Legion at Cincinnati, May 4, 1887, in response to the toast, 'Abraham Lincoln.' Speed was a native of Kentucky and, born March 11, 1812, was a few weeks more than three years younger than Lincoln.

[2] Statement of Joshua F. Speed (MS. undated) furnished the author by Joshua F. Speed, nephew of James Speed.

[3] Lincoln to Mary Speed, Sept. 27, 1841. *Works*, I, 177–80.

And 'little Siss Eliza Davis . . . kiss her "o'er and o'er again" for me,' he writes. Aunt Emma too and Mary's sisters and brothers, how nice they were! There was a Mrs. Peay also, whose 'happy face' became a 'pleasant remembrance' to Lincoln.[1] In short, everything was done to take him out of himself and dispel his disabling melancholia.

So passed the healing days and gradually Lincoln gained strength and serenity. During most of his stay, however, he was desperately sad. Sometimes 'he was so much depressed,' says Speed, 'that he almost contemplated suicide;' and once he wrote a poem on that subject and sent it to the *Sangamo Journal*.[2] Nor does it appear when he entirely recovered from his derangement, for we shall soon find him doing and saying strange and neurotic things. So 'moody and hypochondriacal' was he, that Mrs. Speed, thinking to solace and sustain him, gave him an Oxford Bible, a kindness he never forgot. Twenty years later he sent her his photograph with an inscription above his signature, recalling this gift.[3]

In mid-September Lincoln left the hospitable Speed house and family to which he owed so much and went back to Springfield. Speed accompanied him.[4] They went by way of St. Louis on the *Lebanon*, one of the great river steamboats of the time; and Lincoln was amazed to find that several slaves which, as he describes them, 'a gentleman had purchased . . . and was taking . . . to a farm in the South . . . were the most cheerful and apparently happy creatures on board' — this, although the slaves were chained together and 'were being separated forever from the scenes of their childhood, their friends, their fathers and mothers, and brothers and sisters, and many of them from their wives and children, and going into perpetual slavery, where the lash of the master is proverbially more ruthless and unrelenting than any other where. . . . One whose offence for which he had been sold was an over-fondness for his wife, played the fiddle al-

[1] Lincoln to Mary Speed, Sept. 27, 1841. *Works*, I, 177–80.

[2] Speed to Herndon, Feb. 9 and Sept. 13, 1866. Weik MSS. Herndon was unable to find the poem in the *Sangamo Journal*. Herndon, II, 216.

[3] Speed to Herndon, Jan. 12, Sept. 17, 1866. Weik MSS.

[4] 'I returned with him to Ills. and remained till the 1st of Jan[uar]y 1842.' Speed to Herndon, Sept. 17, 1866. Weik MSS.

most continually, and the others danced, sang, cracked jokes, and played various games with cards from day to day.' [1] Such was Lincoln's third personal contact with slavery, such his astonished comment upon the gaiety of slaves bound, as he imagined, for the dreaded plantations of the far South.

Back at Springfield once more, Lincoln plunged into the practice of the law. He started immediately on the circuit, remaining but a single day in Springfield and going to court at Bloomington the following day and thence to Charleston. His normal spirits again sparkled, as by a reaction from the depths of his despair; and he promptly wrote to Mary Speed from Bloomington, the first town visited on his circuit, the chatty and delightful letter to which reference has been made.

Even physical distress from a bungled dental operation could not prevent him from recalling the happy incidents of his Kentucky visit. He had had a toothache when at Speed's house and a Louisville dentist had tried to pull the tooth but had made 'a failure.' It began to pain him again, he tells Miss Speed, so much, indeed, that, 'about a week since I had it torn out, bringing with it a bit of the jaw-bone, the consequence of which is that my mouth is now so sore that I can neither talk nor eat. . . . I am literally "subsisting on savory remembrances."' Won't Miss Speed write him 'a line' at Charleston, Illinois? He will be there 'about the time to receive it.' [2]

By the middle of October Lincoln was again at the State capital, busy with politics. He was still a member of the Whig State Central Committee and wrote the call for the Whig State Convention to meet in Springfield in December to nominate the party candidates for Governor and Lieutenant Governor; [3] but the convention never assembled. Lincoln was not renominated for the Legislature, however, by the Sangamon County Whigs.

Speed was still in town and very blue over his approaching wedding. Lincoln's deplorable experience had had its natural effect on Speed; he had 'caught' Lincoln's neurosis and hypochondria. But he had helped Lincoln and now Lincoln would

[1] Lincoln to Mary Speed, Sept. 27, 1841. *Works*, I, 177–80.
[2] *Ib.* [3] *Ib.*, I, 181.

help him. Instead of giving advice by word of mouth, Lincoln wrote to Speed, because 'were I to say it orally before we part, most likely you would forget it at the very time when it might do you some good.' Lincoln thinks it 'reasonable' that Speed will 'feel very badly' before his wedding; so let him read Lincoln's letter 'just at such a time.' For Speed is 'naturally of a nervous temperament;' the bad weather on his journey will be 'very severe on [Speed's] defective nerves;' he has nothing to do and no friends to talk to, and the 'crisis' comes on apace. If all this does not depress Speed, Lincoln will be 'most happily but most egregiously deceived.'

'What nonsense' for Speed to suppose that he does not love Fanny as he thinks he should! Why did he court her? There were 'at least twenty others' — Ann Todd for instance. There is no sense in Speed's imaginings. Lincoln argues about them like a lawyer before a jury. It was 'those heavenly black eyes' that had first attracted Speed. Suppose he should 'find her scouting and despising' him 'and giving herself up to another!' Would he have that happen for any 'earthly consideration?' Let Speed write Lincoln 'by every mail.' [1]

Speed wrote to him and Lincoln answered sympathetically. 'You well know that I do not feel my own sorrows much more keenly than I do yours.' Fanny had been seriously ill and Speed was now in distress about her health. That sentiment, says Lincoln, 'must and will forever banish those horrid doubts' which Speed had felt about his love for her. Lincoln is almost persuaded that 'the Almighty has sent your present affliction expressly for that object;' and he consoles his friend in advance. Should Miss Henning not recover, 'her religion, which you once disliked so much, I will venture you now prize most highly.' Speed 'ought to rejoice, and not sorrow, at this indubitable evidence of your undying affection for her. Why, Speed, if you did not love her, although you might not wish her death, you would most certainly be resigned to it. . . . You know the hell I have suffered on that point, and how tender I am upon it. You know I do not mean wrong. I have been quite clear of the "hypo" since you left; even better than I was along in the

[1] Lincoln to Speed, Jan. 3, 1842. *Works*, I, 182–5.

fall.' Then follows Lincoln's reference to Sarah Rickard, already noted.[1]

Miss Henning recovered, and Speed wrote that their wedding was at hand. Lincoln can advise his friend no more, he answers, since 'you will always hereafter be on ground that I have never occupied.' Lincoln hopes that Speed 'will never again need any comfort from abroad.' But if in his 'excessive pleasure,' Speed does get blue again, let him 'remember, in the depth and even agony of despondency, that very shortly you are to feel well again.' It is probable that Speed's nerves will fail him 'occasionally for a while;' if so 'avoid being idle.' So let Speed act and fear not. If he went through the wedding ceremony without making a scene he is 'safe beyond question, and in two or three months . . . will be the happiest of men.' Lincoln adds this cheering postscript: 'I have been quite a man since you left.' [2]

'Quite a man' Lincoln continued to be for several months. He took up again the part he had played in Springfield life and carried it off worthily. On February 12, 1842, Bowling Green died. He was a Mason and Springfield Lodge Number 4 of that order conducted his funeral in a grove near his cabin. Lincoln was there, and, at Mrs. Green's request, tried to say something at the grave of his old friend. Some who heard him recall that his remarks were very fine and others that he made a sorry failure.[3]

A local condition gave Lincoln new opportunity to mingle with the people and make public speeches. The temperance movement which, as we have seen, had been in progress all over the country, was now in full swing throughout Illinois; and, in Springfield and Sangamon County an extraordinary temperance agitation was in progress. The feeling against excessive drinking, which had shown itself by petitions to the Legislature, had come to a head, and fervent temperance meetings were being held in every township. Lincoln joined this crusade and made

[1] Lincoln to Speed, Feb. 3, 1842. *Works*, I, 185–7.

[2] Same to same, Feb. 13, 1842. *Works*, I, 187–9.

[3] John Barrett to Herndon, Aug. 3, 1866; A. Y. Ellis to Herndon, no date, and G. U. Miles to same, March 23, 1866. Weik MSS.

temperance speeches in many villages and hamlets.[1] For three or four years an address on temperance had been made, now and then, at the Lyceum. The Washingtonian Society, largely made up of reformed drunkards, had swept over the nation, and the idea of this organization strongly appealed to Lincoln. When a unit of this society was formed in Springfield,[2] he delivered a temperance address before it on Washington's birthday, 1842.

It was a great occasion. From eleven o'clock until noon a procession paraded the streets. At the head marched 'the beautiful company of Sangamo Guards under the command of Captain E. D. Baker.' An 'immense crowd' gathered at the Second Presbyterian Church where the exercises were held. Brightly shone the sun on that joyous day and loud rang the songs of temperance. So 'delighted' was the audience with the singing, that 'several pieces were a second time called for and repeated.' [3] Finally, soon after twelve o'clock, Lincoln rose and addressed the audience that packed the church.[4]

[1] Unsigned fragment from Pawnee, Sangamon County, no date. Weik MSS.

[2] The Springfield lodge was organized Dec. 20, 1841, with William D. Herndon as President, James H. Matheny, Corresponding Secretary, and William W. Pease, Secretary *Pro tem.* The Society held regular meetings in the 2nd Presbyterian Church. *Illinois State Register*, Dec. 31, 1841.

The first Washingtonian Society was formed in a bar room in Baltimore, April 5, 1840, by six men who had met there every night for years to drink together. At this meeting, after imbibing as usual, they resolved to stop the habit and then and there organized the Society, and wrote and signed the Washingtonian pledge.

They then went among their convivial friends 'and persuaded them in the spirit of kindness to abandon strong drink.' The Society grew rapidly and within two years had lodges all over the country. The central idea of it was that the drinker was not criminal but unfortunate and, therefore, that 'the substitution of *personal experience* for addresses and lectures' was the best method of reforming him. The Society refused to be identified with any political or religious agitation. *Foundation*, etc. *of the Washingtonian Society of Baltimore*, etc. By a member of the Society, Baltimore, 1842.

[3] A vest pocket song-book, the *Washingtonian Tee-Totalers' Minstrel*, contained forty-eight temperance songs, set to popular airs. Examples of those sung at temperance rallies, such as that addressed by Lincoln, are:

THE TEMPERANCE RALLY

'We have entered the field and are ready to fight
Against the rum demon from morning 'till night,' etc.

COME TO THE TEMPERANCE HALL

'Come to the Temperance Hall
The Pledge of Freedom sign —

[4] *Sangamo Journal*, Feb. 25, 1842.

In the sounding rhetoric of frontier oratory, he describes the progress of temperance. The cause of this quick and marvellous advance is plain. 'The warfare heretofore waged against the demon intemperance has . . . been erroneous.' Speakers and tactics 'have not been the most proper. . . . Preachers, lawyers, and hired agents' are not the best advocates of temperance. 'Between these and the mass of mankind there is a want of approachability. . . . They are supposed to have no sympathy of feeling or interest with those very persons whom it is their object to convince and persuade.' How different the appeal of the reformed drunkard! 'There is a logic and an eloquence in it that few with human feelings can resist.' Not to him can be applied the objections made to preachers, lawyers, and speakers for pay — nobody can doubt his sincerity. It is 'this new class of champions' who are carrying the cause to victory.

Even 'had the old-school champions themselves been of the most wise selecting,' were their methods the 'most judicious? . . . When the dram-seller and drinker were incessantly told — not in accents of entreaty or persuasion, diffidently addressed by erring man to an erring brother, but in the thundering tones of anathema and denunciation with which the lordly judge often groups together all the crimes of the felon's life, and thrusts them in his face just ere he passes sentence of death upon him — that they were the authors of all the vice and misery and crime in the land; that they were the manufacturers and material of all the thieves and robbers and murderers that infest the earth; that their houses were the workshops of the devil; and that their

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Come, banish Alcohol,
Rum, brandy, beer and wine,' etc.

TO PURE COLD WATER THEY COME

'What means this great commotion, motion, motion,
The Country through?
Why 'tis the drunkards waking up
To life anew and temperance too,
Why 'tis the drunkards waking up
To life anew and temperance too
To pure cold water they come, come, come
To leave their rum
To clear, cold water they come.'

persons should be shunned by all the good and virtuous, as moral pestilences — I say, when they were told all this, and in this way, it is not wonderful that they were slow, very slow, to acknowledge the truth of such denunciations, and to join the ranks of their denouncers in a hue and cry against themselves.

'To have expected them to do otherwise than they did . . . was to expect a reversal of human nature, which is God's decree and can never be reversed.'

To influence the conduct of men, 'persuasion, kind, unassuming persuasion, should ever be adopted. . . . "A drop of honey catches more flies than a gallon of gall."' So, if you would win a man to your cause, 'first convince him that you are his sincere friend.' But 'assume to dictate to his judgment, or to command his action, or to mark him as one to be shunned and despised, and he will retreat within himself, close all the avenues to his head and his heart; and though your cause be naked truth itself, transformed to the heaviest lance, harder than steel, and sharper than steel can be made, and though you throw it with more than herculean force and precision, you shall be no more able to pierce him than to penetrate the hard shell of a tortoise with a rye straw. Such is man, and so must he be understood by those who would lead him, even to his own best interests.'

Nobody knows when 'the use of intoxicating liquors commenced; nor is it important to know. It is sufficient that to all of us who now inhabit the world, the practice of drinking them is just as old as the world itself. . . . When all such of us . . . first opened our eyes upon the stage of existence, we found intoxicating liquor recognized by everybody, used by everybody, and repudiated by nobody. It commonly entered into the first draught of the infant and the last draught of the dying man.

'From the sideboard of the parson down to the ragged pocket of the houseless loafer, it was constantly found. Physicians prescribed it in this, that, and the other disease; government provided it for soldiers and sailors; and to have a rolling or raising, a husking or "hoedown," anywhere about without it was positively insufferable. So, too, it was everywhere a respectable article of manufacture and merchandise. . . .

'Wagons drew it from town to town; boats bore it from clime to clime, and the winds wafted it from nation to nation; and merchants bought and sold it, by wholesale and retail, with precisely the same feelings on the part of the seller, buyer, and bystander as are felt at the selling and buying of plows, beef, bacon, or any other of the real necessaries of life. Universal public opinion not only tolerated but recognized and adopted its use.'

Of course, 'even then,' all conceded that 'many were greatly injured by it; but none seemed to think the injury arose from the use of a bad thing, but from the abuse of a very good thing. The victims of it were to be pitied and compassionated, just as are the heirs of consumption and other hereditary diseases. Their failing was treated as a misfortune, and not as a crime, or even as a disgrace.'

The Washingtonians repudiated the idea 'of consigning the habitual drunkard to hopeless ruin. . . . They teach hope to all — despair to none. . . . "While the lamp holds out to burn, The vilest sinner may return."' Witness the result. Everywhere 'the chief of sinners' of yesterday are 'the chief apostles of the cause' to-day. Still everybody has a part to perform. 'Whether or not the world would be vastly benefited by a total and final banishment from it of all intoxicating drinks seems to me not now an open question.'

Let everybody, then, do what he or she can for the good of all. Let the total abstainer sign the pledge as an example and an encouragement to the drinker, who needs all the help he can get. Make drinking unfashionable. Would a man 'go to church some Sunday and sit during the sermon with his wife's bonnet upon his head?' Of course not. But why? It would not be 'irreligious . . . immoral . . . or uncomfortable;' but it would be 'egregiously unfashionable.' So 'let us make it as unfashionable to withhold our names from the temperance cause as for husbands to wear their wives' bonnets to church.'

For a man to refuse to join the Washingtonians, 'a reformed drunkards' society,' because to join would imply that he has been a drunkard when, in fact, he has not, is unchristian. 'In my judgment such of us as have never fallen victims have been

spared more by the absence of appetite than from any mental or moral superiority over those who have.

'Indeed, I believe [that] if we take habitual drunkards as a class, their heads and their hearts will bear an advantageous comparison with those of any other class. There seems ever to have been a proneness in the brilliant and warm-blooded to fall into this vice — the demon of intemperance ever seems to have delighted in sucking the blood of genius and of generosity.'

In his peroration, Lincoln gives rein to that lurid rhetoric which spoiled his early speeches and which he was to abandon in maturer years. The temperance revolution will be greater than 'our political revolution of '76,' albeit a companion of that historic advance. On the wings of lilt and fancy he soars high and far; and, finally, pictures the march of temperance reform, 'no orphans starving, no widows weeping. . . . On and on, till every son of earth shall drink in rich fruition the sorrow-quenching draughts of perfect liberty.

'Happy day when — all appetites controlled, all poisons subdued, all matter subjected — mind, all conquering mind, shall live and move, the monarch of the world. Glorious consummation! Hail, fall of fury! Reign of reason, all hail! And when the victory shall be complete, — when there shall be neither a slave nor a drunkard on the earth, — how proud the title of that land which may truly claim to be the birthplace and the cradle of both those revolutions that shall have ended in that victory.'

Without attempting to connect date or name with his theme, Lincoln thus concludes: 'This is the . . . birthday of Washington. . . . Washington is the mightiest name of earth. . . . On that name no eulogy is expected. It cannot be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor leave it shining on.' [1]

Lincoln's speech received various comment. Preachers, temperance speakers, and reformers generally, were angered,[2]

[1] *Works*, I, 193–209.

[2] 'I was at the door of the church as the people passed out,' records the faithful Herndon, 'and heard them discussing the speech. . . . "It's a shame," I heard one man say, "that he should be permitted to abuse us so in the house of the Lord." The truth was the [Washingtonian] society was composed mainly of the roughs and drunkards

Washingtonians pleased, everybody interested. The faithful Francis declared in the *Journal* that 'the address, delivered by Mr. Lincoln, in our opinion, was excellent.' [1] The Washingtonians had the speech printed; [2] it was their vindication. Lincoln was not encouraged by the public reception of his effort. When it was published he asked Speed and Fanny to read it 'as an act of charity to me; for,' Lincoln added plaintively, 'I cannot learn that anybody else has read it, or is likely to.' [3]

Three days after he made the speech he wrote to Speed in quick answer to a letter from his friend, received 'this morning,' telling of Speed's marriage. He wishes them more happiness than he can express. He is jealous of them — they will be 'so exclusively concerned for one another' that Lincoln will 'be forgotten entirely.' Speed must remind Fanny of 'that debt she owes me.' He is sorry that Speed is not coming back to Illinois. 'I shall be very lonesome without you.' What a world, how miserably arranged! 'If we have no friends, we have no pleasure; and if we have them, we are sure to lose them, and be doubly pained by the loss.' Lincoln sends 'kind remembrance' to Speed's family and others whom he had met while at Farmington — and 'ask little Eliza Davis if she will ride to town with me if I come there again.' Also 'give Fanny a double reciprocation of all the love she sent me.' [4]

By the same mail Lincoln hurried off another letter to Speed: in ten hours he had 'hardly yet . . . become calm.' The 'forebodings (for which you and I are peculiar) are the worst sort of nonsense.' It is plain that Speed is 'much happier,' or rather, 'less miserable' than he had been. 'Something indescribably horrible and alarming still haunts you?' How absurd. Speed will not say that three months hence. Let Speed's nerves get steady and 'the whole trouble will be over forever.' If Speed

of the town, who had evinced a desire to reform. Many of them were too fresh from the gutter to be taken at once into the society of such people as worshipped at the church where the speech was delivered. . . . The whole thing, I repeat, was damaging to Lincoln, and gave rise to the opposition on the part of the churches which confronted him several years afterwards when he became a candidate against the noted Peter Cartwright for Congress.' Herndon's account. Herndon, II, 261–2.

[1] *Sangamo Journal*, Feb. 25, 1842. [2] *Ib.*

[3] Lincoln to Speed, March 27, 1842. *Works*, I, 214–7.

[4] Same to same, Feb. 25, 1842. *Ib.*, 210–1.

does not achieve 'Elysium' it will not be the fault of 'black eyed Fanny.' The trouble with both Speed and Lincoln is that they 'dream dreams of Elysium far exceeding all that anything earthly can realize. . . . My old father used to have a saying that "If you make a bad bargain, hug it all the tighter."' Even if in marrying Fanny he has made a bad bargain, which is unthinkable, how pleasant in her case to apply that maxim.[1]

Thus, through Speed's marriage and Lincoln's reaction to it, Fate was working out a strange pattern; and, as will appear in a moment, a deft hand was at the shuttle in Springfield. The correspondence between Lincoln and Speed was incessant, and Lincoln wrote letters such as few men have written and such as he never was to write again. He is thrilled 'with joy,' he assures Speed, 'to hear you say you are "far happier than you ever expected to be."' He got more pleasure in the moment it took him to read his friend's letter 'than the total sum of all I have enjoyed since the fatal 1st of January, 1841.'

He would have been entirely happy, since that bleak day, 'but for the never-absent idea that there is one still unhappy whom I have contributed to make so. That still kills my soul. I cannot but reproach myself for even wishing to be happy while she is otherwise.' Mary Todd had gone 'on the railroad cars' to Jacksonville with a merry company and had told people, 'so that I heard of it,' how much she enjoyed the excursion. 'God be praised for that.'

Once more Lincoln makes mysterious reference to Sarah Rickard: 'One thing I can tell you which I know you will be glad to hear, and that is that I have seen Sarah [2] and scrutinized her feelings as well as I could, and am fully convinced that she is far happier now than she has been for the last fifteen months past.' [3]

[1] *Works*, 210–3.

[2] Again this name is deleted in Lincoln's *Works*. Original MS. in the Barrett Collection.

[3] Lincoln to Speed, March 27, 1842. *Works*, I, 214–7.

A friend of Speed's in Louisville, one Everett, had worried Lincoln by a stream of letters about a claim which he had put into Logan and Lincoln's hands for collection; and in this letter, Lincoln asks Speed to have Everett take his business elsewhere. 'I am almost out of patience with Mr. Everett's importunity.' Besides, 'it is impossible to collect money on that or any other claim here now' — a fact of first importance in the economic distress then afflicting Illinois.

In spite of his mental distress and morbid brooding which his letters to Speed reveal, Lincoln's facility as an entertainer was not weakened. In a political journey made to capture the Democratic presidential nomination two years later Van Buren reached Illinois during June, 1842. At Rochester, a village six miles from Springfield, his party, which included James Kirke Paulding, Secretary of the Navy in Van Buren's Cabinet, stopped for the night. The leading Democrats of Springfield went to Rochester to greet the former President, taking with them various provisions which the hamlet did not afford. They induced Lincoln to go with them to amuse their distinguished guests from the East with his stories and witty talk. Everybody was in high spirits, Van Buren entering into the fun with the practised cordiality of an experienced candidate and politician. Reminiscence, story, and joke passed round the circle. As usual, Lincoln's anecdotes and quaint remarks were better than those of anybody else and 'he kept the company convulsed with laughter till the small hours of the night. Mr. Van Buren stayed some days in Springfield, and repeatedly said he never spent so agreeable a night in his life.' [1]

After this burst of humor out of sadness, Lincoln again laid bare his heart to Speed, who, it appears, had advised Lincoln to decide one way or another about again engaging himself to marry, and to stick to his decision. Right, agrees Lincoln; 'but before I resolve to do the one thing or the other, I must gain my confidence in my own ability to keep my resolves when they are made. In that ability you know I once prided myself as the only or chief gem of my character; that gem I lost — how and where you know too well.' Lincoln now believes that if Speed had understood Lincoln's 'case at the time' as well as Lincoln understood Speed's case afterward, 'by the aid you would have given me I should have sailed through clear.' But Lincoln has not yet acquired enough confidence in himself, he says, 'to begin that or the like of that again.'

As to his part in Speed's marriage, that was 'fate. . . . I always was superstitious; I believe God made me one of the instruments of bringing your Fanny and you together, which union I

[1] *Lincoln*: Speed, 36; Herndon, II, 262–4.

have no doubt he had foreordained. Whatever he designs he will do for me yet. "Stand still, and see the salvation of the Lord" is my text just now.' [1] Thus Lincoln expressed, although in a state of tense emotionalism, that fatalism which obsessed him and which we are to behold throughout his life, even in the gravest of crises.

Tranquillity and high spirits had again left Lincoln; once more he found himself in the throes of doubt and misgiving. In his letters to Speed were reflected feelings caused by renewed relations with Mary Todd which the wildest imagination could not have forecast. As we have seen, the big, good-natured editor of the Whig newspaper at Springfield, Simeon Francis, was devoted to Lincoln. It appears that his wife, a woman well over forty and without children of her own, had made herself the motherly guardian to arrange the matrimonial destiny of young people who, as she felt, needed guidance and encouragement. She was the match-maker of Springfield, an expert in the diplomacy of managing doubtful or recalcitrant affections.

This alert and industrious lady undertook to repair the broken engagement between her husband's idol and Miss Todd. With the stealth of discretion, she managed to bring Lincoln and Mary together for a long time without the knowledge of even Mrs. Edwards — 'shrewdly got them together,' as Mary's sister puts it.[2] Not disclosing her purpose, Mrs. Francis asked the young people to come to her house at the same time; [3] and thus brought about the resumption of their relations. In this benevolent enterprise the editor's wife was effectively assisted by 'Doct. Henry who admired and loved Mr. Lincoln.' [4] Thereafter they met frequently in this somewhat clandestine fashion.

Julia Jayne, Mary's close girl friend,[5] was let into the secret,

[1] Lincoln to Speed, July 4, 1842. *Works*, I, 217–9.

[2] Mrs. Edwards's second statement, Sept. 27, 1887. Weik MSS.

[3] 'I always understood that Mrs. Francis was instrumental in bringing about the reconciliation between Mr. Lincoln and Mary Todd, by bringing them together at her house without either knowing that the other was to be there.' Trumbull to Weik, April 17, 1895. Weik MSS.

[4] Mrs. Edwards's second statement, Sept. 27, 1887. Weik MSS.

[5] 'In her young days my sister and she [Mary Todd] were very close friends.' William Jayne to Herndon, Aug. 17, 1887. Weik MSS.

Julia Jayne married Trumbull, and after he was elected to the Senate over Lincoln in 1855, Jayne says, 'Mrs. Lincoln was no longer intimate with Mrs. Trumbull.'

it appears, and sometimes was present when these meetings occurred. Finally the Edwardses learned what was going on. In spite of our advice, 'all at once we heard that Mr. L. and Mary had secret meetings at Mr. S. Francis',' Mrs. Edwards relates. The girl explained the reason for concealment. 'The world — woman, and man were uncertain and slippery,' she told her sister; 'it was best to keep the secret courtship from all eyes and ears.' To Lincoln she said of her letter releasing him from the engagement, 'that she would hold the question an open one — that is, that she had not changed her mind, but felt as always.' [1]

Such was the state of his affair of the heart, when Lincoln wrote Speed the puzzling letters of mingled doubt, resignation, and hesitant, changing resolve. While the patched-up courtship was in limping progress, an incident came to pass which, naturally and inevitably, hastened a reëngagement or strengthened it if already accomplished, an incident so weighty in its effect on Lincoln's development that it may be said to have been an event.

In February, 1842, the State Bank of Illinois failed, 'carrying wide-spread ruin all over the State.' Its management had been unwise and improvident in the extreme, its loans excessive and hazardous. Its notes scattered all over Illinois amounted to more than three million dollars, and these State Bank bills constituted most of the currency of the people. Though they had been falling in value for a long time, they suddenly became practically worthless. In June the State Bank at Shawneetown also went under. Nearly all good money had been driven out of the State and the people were well-nigh without any medium of exchange. Trade almost ceased and such commerce as continued was, for a while, carried on largely by barter.[2]

How to keep the State Government itself going became a serious and immediate problem. The State could borrow no money because of the bursting of the internal improvement bubble and the fear of the financial world that Illinois would repudiate her already heavy indebtedness. The people had nothing except State Bank bills with which to pay taxes. Obviously the collection of current revenue must be suspended

[1] Mrs. Edwards's first statement. Weik MSS. [2] Ford, 223.

until the Legislature could devise some means of relief; but there was no law by which this could be done directly.

At the first session of the Legislature after the State Bank of Illinois at Springfield had been chartered, an act was passed anticipating exactly such an emergency as now confronted the State, and enabling the State officers to deal with it. The act 'authorized and required' the Governor, Auditor, and Treasurer, in such a case, to notify the public through the press, that bills of the Springfield institution would not be received for taxes after a specific date named in such published notice.[1] Unfortunately this law did not include the State Bank at Shawneetown; and unless a method could be devised for stopping the collection of taxes, the revenues would be paid in the worthless bills of that institution. Land speculators, in particular, would thus practically escape all taxation.

As directed by this law the three State officers published a proclamation, prohibiting the collectors from receiving the paper of the Springfield Bank, in payment of revenue, from and after the 12th of September; [2] and, still further to protect the interests of the State, collectors were admonished not to receive such notes for more than their current value, and were requested to suspend the further collection of revenue until after the meeting of the Legislature.[3] This second document was addressed to the tax collectors of the various counties and was signed, of course, by the State Auditor of Public Accounts.

James Shields then held that important office.[4] He was

[1] Act Jan. 16, 1836. *Revised Laws of Illinois*, 1839, 580. This remarkable law provided that bills of the State Bank should be received for taxes, etc.; but 'if at any time hereafter, the governor, auditor and treasurer shall be of opinion that there will be danger of loss, by receiving the bills of the State Bank as aforesaid [for taxes, etc.], they are hereby authorized and required, to cause a notice to be published in the newspaper printed by the public printer [the *Illinois State Register*], and all other newspapers printed in the state, prohibiting the further reception of said bills, after a day named in said notice, for the uses and purposes aforesaid; and after the day named in such notice, the said bills shall not be received, until otherwise directed by law.'

[2] The proclamation, dated August 5, was published in the *Sangamo Journal*, Aug. 26, 1842.

[3] Message of Gov. Carlin to the Legislature, Dec. 7, 1842. *House Journal*, Sess. 1842–3, 25.

[4] Shields was first elected by the General Assembly Auditor in 1839 and was re-elected in 1841. *House Journal*, Sess. 1840–1, 270. He received seventy-one votes to fifty-three for Levi Davis. See pp. 286–7, *supra*.

thirty-six years of age, having been born in Altmore, Tyrone County, Ireland, May 6, 1806. His ancestors were soldiers and, as a boy, he learned fencing and drilling as well as a good deal of military science from veterans of the Napoleonic wars. From one of them he also acquired French. Shields had had a stormy and picturesque life. As a youth he was a sailor and experienced a shipwreck; at Quebec he had taught fencing when nineteen years of age; and he served as a soldier in Florida, where he was wounded. He came to Illinois two years after Lincoln, studied law and taught school at Kaskaskia and, as we have seen, was quickly sent to the Legislature, although he was an outspoken Democrat and his district was strongly Whig.[1]

Shields was five feet nine inches in height, slender, active, and alert. He was a good lawyer, energetic, industrious, and very popular. He was witty, keen, determined, and courageous; but his ornate and over-ardent manners made him appear pompous. Perhaps it was for this reason that Lincoln disliked him. Whatever the cause, he detested the bustling young Irishman. As a resourceful and aggressive Democratic politician, Shields was surpassed only by Douglas, to whom from the first he was devotedly attached.[2] Although less talented than Trumbull or McClernand, he was better liked by the people and politically more successful than either. Onstot, who knew him well, testifies that Shields 'was a man of great ability . . . a grand and patriotic man;'[3] and this seems to have been the general opinion, except among the Whig group at Springfield.

Although signed by Shields only, the circular to collectors was, as stated by Governor Carlin, the expression of the judgment of the three State officers. It declared that the proclamation would have included the bills of the Shawneetown bank 'if the law had only invested us [State officers] with such powers. The object of this measure is to suspend the collection of the revenue for the current year . . . until the next Legislature may have an opportunity of acting on the subject.

'Without some such suspension act' most taxes, 'particularly that portion payable by non-resident land owners and large land companies, would be paid to collectors before the meeting of the

[1] Condon, 10–29. [2] *Ib.*, 41, 43. [3] Onstot, 32–3.

Legislature,' so that nothing could be done for another year and the General Assembly would be prevented 'from dissolving the degrading connexion now subsisting between the State and a bankrupt institution. . . .

'It is folly to hope for a sound circulation while the government is patronizing a worthless one. To prevent this change from operating oppressively, the Legislature will have it in its power, by the reduction of salaries and the curtailment of all expenses not absolutely indispensable to the existence of government, to make a material reduction in the taxes for the next two years.

'By this means a sound currency can be gradually, though perhaps slowly, introduced without increasing the burdens of the people. The exigency of the present crisis requires a common sacrifice, and if it be wisely and firmly made, both by the people and their agents, a few years will suffice to lift our young State out of its present prostration. Once more I take the liberty of repeating that the object and intention of the present notification is to suspend the collection of the revenue for the year 1842 until the meeting of the Legislature, at which time that body can provide for the payment of taxes in such funds as it may deem advisable, and effect such reduction in the amount of revenue as it may deem practicable.' [1]

Such was the moderate and sensible document that speedily drew upon its author vicious partisan attacks. The situation afforded an opportunity, too good to be lost, for the Whig politicians to make campaign thunder. Once more Lincoln took in hand his anonymous political pen and a letter appeared in the Whig organ purporting to be the plaint and comment of a farmer's wife, 'Rebecca.' The letter, in general, was a restatement of many of Lincoln's arguments in his Sub-treasury speech already reviewed, put in the language of the cabin and the farm. Also the discursiveness of such a character as the imaginary

[1] Circular letter dated Aug. 20, 1842, in *Sangamo Journal*, Aug. 26, 1842.

On the same day the *Journal* published a long editorial against the proclamation, assailing Shields particularly. The State officers, it said, were 'highly delighted with Auditor Shields' great and mighty effort, which so far eclipses Tom Carlin's, as to induce the belief . . . that Thomas Carlin and Milton Carpenter had nothing to do with it.'

Rebecca, is imitated to perfection — indeed, the first Rebecca letter comes near to being a work of art.[1]

Oh! the good old Whig days, when the girls spun and knit and sang 'about our cabin.' They are gone, 'and times are getting so hard I shall have to send you a pot of butter instead of the money' to pay for the *Journal.* Rebecca makes fun of Van Buren — 'Mattey — he was such a sweet scented gentleman.' She tells Lincoln's favorite story about the man with patent legs who couldn't stop when he got going.[2] Alas and alack! 'We han't got no national bank — we han't got no good money.' Rebecca doesn't understand such things, but she does know that 'twelve years ago we used to have U.S. Bank money, and it was better than silver.' Also 'there isn't near half as much money in circulation as there was three years ago,' and farm stuff is not worth half as much. Then follows a great deal about the tariff, and the laborer, and the farmer, and prosperity, and hard times, and Jackson's tariff letter is reproduced.

Finally Rebecca gets down to the State Bank and the Democrats. 'A pretty mess they have made of it. . . . This State Bank of Illinois will never become prosperous until the whig party are in power.' And look at the Mormons — 'Democratic pets!'[3] It was terrible. Worse still, 'we heard a few days ago, by a traveller from Quincy,[4] that the Governor was going to send instructions to collectors, not to take anything but gold and silver for taxes. He said that the office-holders wanted gold and silver; and thought that the Governor should . . . force enough out of the farmers to fill their pockets. I hope it ain't so; because we've got no gold.'[5]

The *Journal* published this screed conspicuously with extensive headlines. Soon another 'Rebecca' letter followed, en-

[1] Lincoln's carefully worded statement that he wrote but one letter 'alluding' to Shields, does not exclude the first Rebecca letter, which is plainly Lincoln's work.

[2] In Lincoln's Sub-treasury speech it was a cork leg.

[3] The relations of the Mormons in Illinois to the Democratic Party in that State, and Douglas's part in forming them, are told in Stevens, 339–43, 360–2; *Frontier State:* Pease, 345.

[4] Governor Carlin lived in Quincy.

[5] *Sangamo Journal,* Aug. 19, 1842. All the Rebecca letters purport to have been written from the 'Lost Township,' the first dated Aug. 10, 1842.

closing one from her sister 'who is a very working and reading woman, and who is married to a nice man in the upper end of the timber.' Rebecca's sister says that there is great excitement in her neighborhood, caused by the two proclamations, 'the sum and substance of which was that the People of Illinois must pay specie for their taxes after the 12th September.' When the Proclamations arrived, a 'barn raising' was going on, and a farmer made a speech from a log: 'These men [Governor, Auditor, and Treasurer of State] do not tell us in pursuance of what law, they have proceeded to make this proclamation. . . . There is no law for this proclamation.'

Then the imaginary farmer singles out Shields for personal attack. 'The greatest curiosity about this matter is the Proclamation of Mr. Auditor Shields.' He is against receiving State Bank paper for taxes, lest 'the State will suffer loss,' [1] and yet says that taxes can be paid in paper of the Shawneetown Bank, which is no better! [2] He says the object of the proclamation is to suspend the collection of the revenue until the Legislature meets; but at the same time gives information by which 'the large landowners and landholders' are enabled to pay their taxes in Shawneetown Bank paper, if they can do so 'before the next Legislature passes a law' against it.

'So, gentlemen, the whole operation of this measure, is to favor the rich land holders — and to grind down the poor poorer. . . . The whole object is to put hard money into the pockets of these office-holders at the expense of the poor people.' Look at the salaries of these State officers! 'If the scheme is successful it will fill the pockets of the public officers with specie.' Again Shields is specifically assailed and, throughout the second 'Rebecca' letter, his language and purpose are flatly misrepresented.[3]

The entire scheme, says the farmer — 'this plan of securing GOLD FOR OFFICE HOLDERS' — was a trick, undoubtedly arranged before the election; even 'the Mormon votes could not

[1] The exact words of the law on the subject.

[2] Shields was bound by the law, which did not apply to the Shawneetown Bank.

[3] All the 'Rebecca' letters must be read in connection with Shields's circular to the tax collectors.

have saved the party.' But now the Democrats are 'saddled on to the people;' and farmers must pay their taxes in gold or silver or 'your stock and your farms will be sold to pay them.' Rebecca's sister tells her that there is great excitement 'in the Kickapoo timber,' and 'you needn't be surprised if at the next presidential election you should see a clean vote for HENRY CLAY here.' [1]

This assault on Shields was fighting talk in that day,[2] but the outraged Auditor said nothing. The lash was to cut him still more cruelly, however. A third Rebecca letter appeared in the *Journal*, the authorship of which Lincoln finally admitted. The satire is devoted almost entirely to Shields. It purports to give a conversation between Rebecca and a neighboring Democratic farmer, 'Jeff.' This Rebecca letter begins: 'I see you printed that long letter I sent you a spell ago — I'm quite encouraged by it, and can't keep from writing again. I think the printing of my letters will be a good thing all round. . . . So here comes another.'

Rebecca says that she had gone to 'Jeff's' house 'to see if his wife Peggy was as well as mought be expected, and hear what they called the baby.' She found 'Jeff,' the husband, reading a paper and '"mad as the devil, Aunt Becca!" "What about?", says I; "ain't its hair the right color? None of that nonsense, Jeff — there ain't an honester woman in the Lost Township

[1] Second Rebecca, Lost Township letter, *Sangamo Journal*, Sept. 9, 1842.

Lincoln's denial to Shields would seem to include this letter, although it is in the peculiar style and vein of all Lincoln's other Rebecca letters. If Lincoln did not write the second Rebecca letter, it is puzzling to speculate who did write it, since, so far as is known, nobody in Springfield was master of the distinctive style in which all the Rebecca letters, except the last, were written. See p. 348 *n.*, *infra.*

The Whigs were fanning the public irritation, which, at first, was general and severe. Even some Democratic papers, immediately after the proclamation and circular appeared, attacked them. The *Quincy Herald* thought that 'the effect upon the people of the State, and particularly, the farming community, will be ruinous. . . . Have our State officers calculated the injuries they may inflict upon our unoffending citizens? . . . Many . . . have been at considerable trouble to get State Bank paper, and lay it by on purpose to pay their taxes.' Has the State paid the Bank what she owes it? If not, 'the proclamation is unjust in the extreme,' etc. *Quincy Herald*, as quoted in *Sangamo Journal*, Sept. 9, 1842.

[2] Duels were then not infrequent. One was fought by two Springfield men, William C. Skinner and W. S. Merservy, on Bloody Island opposite St. Louis in the fall of 1837. *Sangamo Journal*, Nov. 18, 1837. Another duel occurred the year before the Lincoln-Shields affair. *Ib.*, May 29, 1841.

than ——.'" Here Jeff interrupted and said that his anger was due to the state officer's orders to tax collectors not to take State Bank paper; this, Jeff said, made the Bank currency which he had toiled to get 'dead on my hands.' The imaginary farmer fumes and rages at great length, and finally comes to Shields.

Shields's statement that the purpose of the tax proclamation was to suspend the collection of the revenue for the current year, is a lie. 'I say *it — is — a — lie.*' The collectors cannot suspend — their oath of office forbids. 'Is there any thing in the law requiring them to perjure themselves at the bidding of Jas. Shields?

'Why, Shields didn't believe that story himself — it was never meant for the truth. . . . Its a lie, and not a well told one at that. It grins out like a copper dollar. Shields is a fool as well as a liar. With him truth is out of the question, and as for getting a good, bright passable lie out of him, you might as well try to strike fire from a cake of tallow. I stick to it, it's all an infernal whig lie!'

It is a Democratic farmer who is talking in this imaginary conversation; and, to Rebecca's denial that Shields is a Whig, the Democratic farmer offers this proof that Shields is a Whig:

'Why, his very looks shows it — every thing about him shows it — if I was deaf and blind I could tell him by the smell. I seed him when I was down in Springfield last winter' — and the farmer describes a fair at the Capital attended by the 'grandees' and 'all the gals about town . . . all the handsome widows, and married women, finickin' about, trying to look like gals, tied as tight in the middle, and puffed out at both ends like bundles of fodder that hadn't been stacked yet, but wanted stackin pretty bad.' No Democrats were allowed, 'for fear they'd disgust the ladies, or scare the little gals, or dirty the floor.'

And in this fashionable gathering of the élite of Springfield, reports Rebecca, the Democratic farmer beheld through the window 'this same fellow Shields floatin about on the air, without heft or earthly substance, just like a lock of cat-fur where cats had been fightin.' The farmer then describes Shields's gallantries and pompous manners, his opulent buying of knick-knacks at the fair, his holding the hands of the girls for 'a

quarter of an hour,' his distress that he could not marry all of them — 'too well I know how much you suffer; but do, *do* remember, it is not my fault that I am *so* handsome and *so* interesting.' If Shields should act in that manner to one of the 'democratic gals in the Lost Township,' she would stick a brass pin in him 'about up to the head.' Yes, most certainly, insists the Democratic farmer, this fellow Shields must be a Whig. Rebecca's letter contains more of the same type of ridicule of the State Auditor.[1] The town roared with laughter. Still Shields said nothing.

In the same issue of the *Journal* the Whig organ printed an editorial, stating that an act of the Legislature, approved February 26, 1839, authorized the receipt for taxes of the paper of the two State banks and that this law repealed, by implication, the act of 1836 under which the State officers were acting. So, said the editorial, there was no authority for the 'pompous proclamations' of Shields and Carlin. 'Let the people turn their taxes in State Bank paper and if the collectors refuse it, let the officers sell property for taxes if they dare. . . . Verily we have a great auditor, possessing the power to make and suspend laws at pleasure.'[2] This editorial was either written or inspired by Lincoln. Still Shields took no action.

Six days later a big meeting of taxpayers was held at the Court House where the policy of the State officers was assailed by Baker and Dr. Henry, and defended by Shields and Ebenezer Peck. The State Auditor said that the purpose of the proclamation was to prevent land speculators from buying State Bank notes at twenty cents on the dollar, and to help establish a sound currency. He charged Henry with inciting rebellion against the State authorities and made 'a most glowing appeal' to his patriotism, to desist. Henry replied that the speculators could buy Shawneetown Bank paper at five cents on the dollar. Peck made 'a most heart-rending appeal' to the Whig politicians to stop their agitation. Excitement was intense. 'LET THEM TRY IT,' exclaimed the Whig paper, in denunciation of the plan of the State officers.[3]

[1] *Sangamo Journal*, Sept. 2, 1842; Herndon, II, 233–40.

[2] *Sangamo Journal*, Sept. 2, 1842. [3] *Ib.*, Sept. 9, 1842.

In the same issue of the *Journal* containing the above account appeared a fourth Rebecca letter. It was crude and clumsy, and held Shields's physical courage up to scorn. This last Rebecca letter was the work of Mary Todd and Julia Jayne. While the anonymous assaults on the State Auditor had been appearing in the Whig paper, Lincoln was meeting the two girls at the house of the editor. They thought the Rebecca letters very funny and, with Lincoln's consent, produced the final screed of the series, in which Rebecca appears as a widow.

When Rebecca learned, runs the Todd-Jayne impertinence, that Shields was 'threatenin' to take personal satisfaction of the writer I was so skart that I tho't I should quill-wheel right where I was.' Rebecca will apologize; and as to '*personal* satisfaction, let him only come here, and he may squeeze my hand. . . . If that ain't personal satisfaction, I can only say that he is the fust man that was not satisfied with squeezin my hand.' Or Rebecca will compromise by marrying Shields, although she has long 'expected to die a widow.' Rebecca is abashed, but 'wouldn't he — maybe sorter let the old grudge drap if I was to consent to be — be — h-i-s w-i-f-e?'

Still, if Shields must fight, says Rebecca, 'Jeff tells me the way these fire-eaters do is to give the challenged party choice of weapons, etc., which bein the case I'll tell you in confidence that I never fight with any thing but broomsticks or hot water or a shovel full of coals, or some such thing; the former of which being somewhat like a shillalah, may not be very objectional to him. I will give him choice, however, in one thing, and this is whether, when we fight, I shall wear breeches or he petticoats, for I presume that change is sufficient to place us on an equality.' [1]

On the day that this effusion was printed in the *Journal*, Lincoln did so strange a thing that we cannot but connect it with his meetings with Miss Todd at the Francis house. In uncommonly clear, large and bold handwriting, he made a list of all candidates for the Legislature from the time he first ran to his last candidacy, with the votes cast at each election, showing the remarkable increase in his own strength at the polls. This state-

[1] *Sangamo Journal*, Sept. 9, 1842; also Herndon, II, 240–2.

ment of his ever growing popularity, Lincoln had certified by Noah Matheny, Clerk of the County Commissioners Court, the Clerk's certificate attached by pink silk ribbons, tied in an attractive bow.[1] The elaborate document was undoubtedly presented to Miss Todd as a proof of Lincoln's political strength which, however, was soon to decline sharply.

When the final Rebecca insult appeared, Shields was in Quincy. He had gone there with the State Treasurer immediately after the tax meeting at Springfield to consult Governor Carlin. The result of this conference was a second proclamation which directed tax collectors to accept the paper of both State Banks 'at its specie value,' and declared that the collectors would be held responsible for any deficiency.[2]

On the day of Shields's return to Springfield, the *Journal* printed an atrocious rhyme, announcing that the State Auditor had won 'Rebecca, the widow' and that they were to be married. This jingle of eighteen lines, each worse than the other, signed 'Cathleen,' was also written by the Misses Todd and Jayne.[3] Its coarse ridicule of Shields was unworthy of notice

[1] MS., Sept. 9, 1842. Barrett Collection.

[2] This proclamation, issued Sept. 12, was not published in the *Sangamo Journal* until Sept. 23. It admitted that the act of 1839 made State Bank paper receivable for taxes, as the Whigs contended; but, said the State officers, the law of 1839 did not contemplate that the State should accept Bank paper at more than its current value. In this wise the Whigs were out-manœuvered.

[3] *Sangamo Journal*, Sept. 16, 1842. Also Herndon, II, 242–3.

'Ye jews-harps awake! The —— 's won —
Rebecca the widow has gained Erin's son;
The pride of the north from the Emerald isle
Has been woo'd and won by a woman's sweet smile.
The combat's relinquished, old loves all forgot:
To the widow he's bound, Oh! bright be his lot!
In the smiles of the conquest so lately achieved.
Joyful be his bride, "widow'd modesty" relieved,
The footsteps of time tread lightly on flowers —
May the cares of this world ne'er darken their hours.
But the pleasures of life are fickle and coy
As the smiles of a maiden, sent off to destroy.
Happy groom! in sadness far distant from thee
The FAIR girls dream only of past times of glee
Enjoyed in thy presence; whilst the *soft blarnied store*
Will be fondly remembered as relics of yore,
And hands that in rapture you oft would have prest,
In prayer will be clasp'd that your lot may be blest.

CATHLEEN.'

by him, but coming directly after Lincoln's savage 'Rebecca' satire and the lampoon of the tormenting girls over the same pseudonym, it unleashed his long restrained wrath.

Shields promptly sent Gen. John D. Whiteside, State Fund Commissioner, to Francis, to demand the name of his anonymous traducer. Finally the Whig editor said that Lincoln was the author of the Rebecca letters. Shields at once sought for Lincoln and learned that he had gone to Tremont to attend court there and expected to be absent several weeks on the circuit. Accompanied by Whiteside, Shields instantly started on horseback after him.[1]

When Merryman and Butler learned that Shields and Whiteside had gone to Tremont, Lincoln's two associates, knowing him to be 'unpracticed' in the weapons and 'diplomacy' of duelling, as Merryman untruthfully asserts, quickly followed, passed Shields and Whiteside during the night, reached Tremont first and told Lincoln 'what was brewing.' He said, relates Merryman, that he was 'wholly opposed to duelling, and would do anything to avoid it that might not degrade him in the estimation of himself and friends,' but would fight before he would submit to 'such *degradation*.' [2]

Unfortunate conference! If his hot-headed friends, who as their own statements make plain wanted a duel to come off, had stayed in Springfield, it is well-nigh certain that Lincoln would have made to Shields the explanation which he afterwards did make. The language of the notes signed by Lincoln is that of Merryman rather than of Lincoln. In fact Merryman appears to have been the combative, if not the malicious influence, throughout this, the most unhappy and dramatic event in Lincoln's life.[3]

[1] General Whiteside got his military title as commander in the Black Hawk War. The year before the Lincoln-Shields duel he had been elected Fund Commissioner by the Legislature, and so highly esteemed was he by both political parties that even the Whig organ praised him in an editorial approving his election: 'The public may rely upon his honesty, integrity and devotion to the best interests of the State.' *Sangamo Journal*, Jan. 29, 1841.

[2] E. H. Merryman to Editor *Journal*, Oct. 8, in *Sangamo Journal*, Oct. 14, 1842.

[3] Merryman was a young physician of Springfield, hot-headed, pugnacious and a violent Whig. He took keen interest in military affairs and was a fine swordsman. He was called Captain Merryman as often as he was called Dr. Merryman. Four years

Shields and Whiteside arrived Saturday afternoon, September 17, and Whiteside immediately delivered to Lincoln a note from Shields. He 'had hoped,' wrote Shields, 'to avoid any difficulty with any one in Springfield' while living there as State Auditor, and had tried to conduct himself accordingly. But 'whilst thus abstaining from giving provocation, I have become the object of slander, vituperation, and personal abuse, which, were I capable of submitting to, I would prove myself worthy of the whole of it.' On inquiry for the name of the writer of the offensive articles 'I was informed by the editor . . . that you are the author.' Shields does not know the ground of Lincoln's 'secret hostility' to him, nor will he now inquire; but he does require 'a full, positive, and absolute retraction of all offensive allusions used by you, . . . in relation to my private character and standing as a man, as an apology for the insults conveyed in them. This may prevent consequences which no one will regret more than myself.' [1]

About sundown, says Merryman, Lincoln answered that Shields had acted on Francis's statement that he had written the 'abusive' letters, 'without stopping to enquire whether I really am the author, or to point out what is offensive in them . . . and then [you] proceed to hint at consequences. Now, sir, there is in this so much assumption of facts, and so much of menace as to consequences, that I cannot submit to answer that note any further than I have, and to add, that the consequences to which I suppose you allude, would be matter of as great regret to me as it possibly could to you.' [2]

In short, let Shields go as far as he likes. Lincoln — or Merry-

after the Lincoln-Shields encounter, he removed to Chicago. *Sangamo Journal*, Feb. 10, 1848. Later, in the 50's, he went to California and thence to Costa Rica, where he engaged in mining and died of the yellow fever.

A son, James H. Merryman, was a lieutenant in the revenue service, stationed in California, and in 1863 charges were made against him. Not knowing their nature Lincoln gave a general certificate of his character: 'I only wish to say, he was raised from childhood in the town where I lived, and I remember nothing against him as boy or man. His father, now dead, was a very intimate acquaintance and friend of mine.' *Works*, VIII, 273.

Another son, William F. N. Merryman was with the Walker filibustering expedition, but returned to Springfield.

[1] Shields to Lincoln, Sept. 17, 1842. *Ib.*, I, 232–3.

[2] Lincoln to Shields, Sept. 17, 1842. *Ib.*, 233–4.

man — leaves him no alternative but to back down or fight. Promptly Shields wrote again. Since Lincoln complains that Shields has not asked him if he really did write the Rebecca letters, Shields asks him now. *Is* he the author, particularly of the one printed in the *Journal*, September 2? If not, 'your denial will be sufficient;' otherwise let Lincoln make retraction. Shields adds: 'It is not my intention to menace, but to do myself justice.' [1]

Butler had assured Whiteside, who bore Shields's second note, that Mr. Lincoln could not receive any communication from Mr. Shields unless it were a withdrawal of his first note, or a challenge; but that, if Shields would withdraw his first note, and make a 'proper and gentlemanly request for an explanation,' Butler 'had no doubt one would be given.' So Shields's second note to Lincoln was not delivered, and when, after a day's delay, on Monday morning, September 19, Whiteside brought it to Lincoln, he read it and handed it back, saying that it was not 'consistent with his honor to negotiate for peace with Mr. Shields, unless Mr. Shields would withdraw his former offensive letter.[2]

'In a very short time Gen. Whiteside called with a note from Mr. Shields, designating Gen. Whiteside as his friend, to which Mr. Lincoln instantly replied designating me as his,' relates Merryman. The two seconds met and, upon the request of Whiteside, agreed to try to compose the quarrel, Merryman stating, however, that Shields's first note must be withdrawn before settlement was possible. This amicable proceeding was kept from the principals, Whiteside declaring that Shields would 'challenge me next, and as soon cut my throat as not,' if he learned of his second's pacific purposes.[3] So Whiteside went to Springfield, riding part of the way in Merryman's and part in Lincoln's buggy. Nothing was said about the duel during the trip. Shields's horse had gone lame and he remained in Tremont.[4]

[1] Shields to Lincoln, Sept. 17, 1842. *Ib.*, 234–5.

[2] Merryman's statement, Oct. 8, in *Sangamo Journal*, Oct. 14, 1842; Herndon, II, 248.

[3] Merryman's statement, Oct. 8, in *Sangamo Journal*, Oct. 14, 1842.

[4] Whiteside's statement, Oct. 3, in *ib.*, Oct. 7, 1842.

When the party reached Springfield late Monday night, testifies Merryman, they found that 'the affair had . . . got great publicity, . . . and that an arrest was probable. To prevent this,' continues Lincoln's second, 'it was agreed by Mr. Lincoln and myself that he should leave early on Tuesday morning — Accordingly he prepared the following instructions for my guide, on a suggestion from Mr. Butler, that he had reason to believe that an attempt would be made by the opposite party to have the matter accommodated.' [1]

Lincoln's 'instructions' were that if Whiteside wanted to 'adjust this affair,' Merryman must say that if Shields would withdraw his first note to Lincoln and, in another note, ask Lincoln whether he wrote 'the articles of which he complains' and ask Lincoln to 'make him gentlemanly satisfaction' if Lincoln should acknowledge authorship, all 'without menace, or dictation as to what that satisfaction shall be,' — if Shields would do this, then Lincoln's second should pledge 'that the following answer shall be given:

'I did write the "Lost Townships" letter which appeared in the *Journal* of the 2d inst[ant], but had no participation in any form, in any other article alluding to you.[2] I wrote that, wholly for political effect. I had no intention of injuring your personal or private character or standing as a man or a gentleman; and I did not then think, and do not now think that that article could produce or has produced that effect against you; and had I anticipated such an effect I would have forborne to write it. And I will add that your conduct toward me, so far as I knew, had always been gentlemanly; and that I had no personal pique against you, and no cause for any.

'If this should be done, I leave it with you [Merryman] to arrange what shall and what shall not be published.

[1] Merryman's statement, Oct. 8, in *Sangamo Journal*, Oct. 14, 1842.

[2] This denial excludes the 'Rebecca' letter and 'Cathleen' jingle written by Mary Todd and Julia Jayne; strictly construed, it also excludes the second 'Rebecca' letter. It specifically admits that Lincoln wrote the third 'Rebecca' letter and, by necessary inference, the first 'Rebecca' letter. The authorship of the second letter of the series, is thus left in doubt, and, if Lincoln did not write it, the origin of it becomes an insoluble mystery. It is, of course, possible, that Lincoln was thinking only of the Todd-Jayne letter and 'poem' when he wrote this denial and overlooked the second 'Rebecca' letter.

'If nothing like this is done, the preliminaries of the fight are to be —

'1*st* WEAPONS Cavalry broad swords of the largest size precisely equal in all respects — and such as now used by the cavalry company at Jacksonville.

'2*d* POSITION A plank ten feet long, and from nine to twelve inches broad, to be firmly fixed on edge, on the ground, as the line between us which neither is to pass his foot over upon forfeit of his life. Next a line drawn on the ground on either side of said plank and parallel with it, each at the distance of the whole length of the sword and three feet additional from the plank; and the passing of his own such line by either party during the fight, shall be deemed a surrender of the contest.

'3*d* TIME On Thursday evening at 5 o'clock if you can get it so; but in no case to be at a greater distance of time than Friday evening at 5 o'clock.

'4*th* PLACE Within three miles of Alton, on the opposite side of the river, the particular spot to be agreed on by you.

'Any preliminary details coming within the above rules, you are at liberty to make at your discretion; but you are in no case to swerve from these rules, or to pass beyond their limits.' [1]

Leaving behind him these 'instructions,' Lincoln, early Tuesday morning, September 20, made off to Jacksonville, where the broadswords were to be had, and there awaited his second and friends.

Lincoln had been exercising with the broadsword for some weeks, it appears, and undoubtedly with Albert T. Bledsoe, a graduate of West Point, a practising lawyer in Springfield, and a Whig partisan.[2] 'After this affair between Lincoln and Shields,'

[1] Merryman's statement; also *Works*, I, 236–8.

While it is difficult to take these conditions seriously, Lincoln could not have doubted that Shields intended to fight and framed them accordingly. The second condition would provide a 'ring' about ten feet long and twelve feet wide, divided into two equal parts by the plank on edge. Should the principals stand near the outside lines they would be about twelve feet apart; but should Shields retire Lincoln could toe the plank and with his reach pink him with his sword. It may also be assumed that Lincoln expected to overcome Shields by sheer strength and weight of metal.

[2] Albert Taylor Bledsoe was a native of Kentucky and graduated at West Point in the same class with Jefferson Davis. He practised law in Springfield, Ill., having an office adjoining that of Lincoln, but became a priest in the Protestant Episcopal church and later a Methodist preacher. For some years he filled the chair of mathematics and

relates Linder, 'I met Lincoln at the Danville court, and in a walk we took together, seeing him make passes with a stick, such as are made in broadsword exercise, I was induced to ask him why he had selected that weapon with which to fight Shields. He promptly answered in that sharp, ear-splitting voice of his:

'"To tell you the truth, Linder, I did not want to kill Shields, and felt sure that I could disarm him, having had about a month to learn the broadsword exercise; and furthermore, I did not want the d—d fellow to kill me, which I rather think he would have done if we had selected pistols."' [1]

Tuesday forenoon Merryman met Whiteside who again wished to settle the difficulty. Merryman read Lincoln's terms and Shields's second declined to ask his principal to withdraw his note to Lincoln; 'he would as soon think of asking Shields to butt his brains out against a brick wall as to withdraw that paper.' But let the two seconds tell their principals that if they won't 'make the matter up they must fight us,' suggested Whiteside. Merryman refused. 'Such withdrawal [of Shields's first note] having been made indispensable by Mr. Lincoln I cut the matter short as to an adjustment, and proposed to Gen. Whiteside to accept the terms of the fight, which he refused to do until Mr. Shields arrival in town, but agreed, verbally, that Mr. Lincoln's friends should procure the broadswords and take them to the ground.

'In the afternoon,' continues Merryman, 'he came to me saying that some persons were swearing out affidavits to have us arrested, and that he intended to meet Mr. Shields immediately and proceed to the place designated, lamenting, however, that I would not delay the time that he might procure the interference of Gov[ernor] Ford and Gen[eral] Ewing, to mollify Mr. Shields. I told him that an accommodation except upon the terms I mentioned, was out of the question — that to delay the meeting was to facilitate our arrest, and as I was determined

philosophy in the University of Virginia, became assistant Secretary of War in the Confederacy, and after the war editor of the *Southern Review*.

[1] Linder, 66–7. Herndon, however, records another account of Lincoln's feelings made in his presence: 'I did not intend to hurt Shields unless I did so clearly in self-defence. If it had been necessary I could have split him from the crown of his head to the end of his backbone.' Herndon, II, 260.

not to be arrested I should leave town in fifteen minutes. I then pressed his acceptance of the preliminaries, which he disclaimed on the ground that it would interfere with his oath as Fund Commissioner.' [1]

Thus deposes Dr. Merryman. Gen. Whiteside testifies quite differently: To his 'astonishment,' he declares, in view of his 'private understanding' with Merryman that the two seconds should try to smooth out the trouble, and in view of Merryman's knowledge that Shields was still in Tremont, Lincoln's second proposed, about Tuesday noon, that the combatants meet in Missouri opposite Alton 'on the next Thursday.' This sudden proposal 'took me by surprise,' avows Whiteside, especially since it was 'known, that Mr. Shields was left at Tremont.' So Shields's second 'declined agreeing upon the terms until we should meet in Missouri,' because to do so would 'violate the laws of the State.' [2]

Violate the laws it would indeed, for by the Illinois statute duelling was a penitentiary offence.[3] Even the sending of a challenge or verbal agreement to fight, or acting as a second, or carrying a challenge, or verbally delivering a hostile message, was punishable by a heavy fine, and incapacitation to hold any public office thereafter. Shields and Whiteside then occupied two of the most important offices in the State. Technically, neither had yet broken these sweeping laws, although Lincoln and his friends had ignored them. In view of Lincoln's public appeal for observance of law, the fact that he was the offender and his insistence on fighting rather than apologizing unless Shields would withdraw his demand for retraction, it is not easy to determine his state of mind at this time.

Whiteside withdrew the 'pledge of honor' between himself and Merryman to strive for peaceable adjustment, and started for Shields whom he met twenty miles from Springfield. When they reached town they 'learned that Dr. Merryman had left for Missouri. . . . The time and place made it necessary [for us]

[1] Merryman's statement. [2] Whiteside's statement.

[3] Constitution 1818, Sec. 11, Schedule. The Criminal Code (Act July 1, 1833, sec. 43) provided that a duellist should be punished by confinement to labor in the penitentiary, for not less than one or more than five years. *Revised Statutes of Illinois*, 1839, 205.

to start at once,' says Whiteside; so they left at eleven o'clock, travelled all night, took in Gen. William Lee D. Ewing at Hillsborough Wednesday morning and reached Alton Thursday.[1] Merryman, Butler, and Bledsoe had joined him near midnight at Jacksonville, procured broadswords there Wednesday morning, and, at eleven o'clock Thursday forenoon, reached Alton, where Shields and his friends were awaiting them. Lincoln and his party crossed the Mississippi to the duelling ground and Shields and his party 'soon followed.' [2]

John J. Hardin had been attending court at Carrollton, and hearing of the impending duel hastened to Alton with Dr. R. W. English, to stop the fight. These two men now appeared at the Missouri place of combat 'as the mutual personal friends of Messrs. Shields and Lincoln, but without authority from either,' and strove to reconcile the antagonists, by proposing that they submit their differences to four men selected by Hardin and English. At this point the accounts of the two seconds vary as to which of their principals was first to give in, Merryman and Whiteside each obviously wishing to save the face of his principal and his own too. But the upshot was that, without Shields's knowledge, his friends withdrew his note to Lincoln, whose friends then read Lincoln's apology, the duel was called off, and everybody went home.[3]

To prevent misrepresentation of the affair Whiteside published his account of it; whereupon Merryman published his version, in the latter part of which he flagrantly insulted Whiteside. Butler also had said something offensive about Shields, who promptly sent Whiteside 'as his friend' to Butler. Butler construed the action as a challenge and through Merryman, named sunrise next morning as the time, rifles as the weapons, one hundred yards as the distance, Butler's second to give the

[1] Whiteside's statement.

[2] Merryman's statement. Rev. George J. Barrett, a Methodist minister of Hillsborough, says that he met Lincoln and several others on the road going to the duelling ground, and that Lincoln helped a farmer, whose wagon had mired, get it out of the mud. Barrett's statement, no date. Weik MSS. The Rev. Mr. Barrett was the father of Oliver R. Barrett of Chicago, collector of Lincolniana.

[3] Statements of Whiteside and Merryman. Shields's friends afterwards claimed that he withdrew his challenge when he learned that Mary Todd and Julia Jayne were the authors of the most offensive of the 'Rebecca' letters. Condon, 49.

word to fire and 'the parties to stand with their right side towards each other,' Butler being left handed. Such a note was criminal and the terms unfair; but Whiteside agreed except as to the place, insisting on Missouri because of the Illinois law.

That night Shields was at a party at the house of Ninian W. Edwards. When he heard of Butler's terms and Whiteside's answer, he wrote to Butler agreeing to all his terms, including time and place; but Butler refused to receive Shields's letter on the ground that 'the matter was closed.' In this interchange, through a note carried by Lincoln, Merryman again insulted Whiteside who asked him to meet him in St. Louis, where a duel could be arranged without violating the Illinois law. Merryman refused, but said he would go to Louisiana, Missouri, 'the most suitable point out of the State.'

Lincoln bore this message to Whiteside who, at first, refused to accept it, because he had business in St. Louis which was as accessible as the place named by Merryman. When Lincoln tried to tell him the contents of Merryman's note, Whiteside thought that his antagonist had named the State of Louisiana. At this Merryman 'hooted,' and the rumor spread that Shields and Whiteside had 'backed out.' So Whiteside sent word that he would accept Merryman's note, agree to his terms including Louisiana, Missouri; but Merryman declined to send his note again, 'because he looked upon the matter as closed.' [1]

Thus ended the most lurid personal incident in Lincoln's entire life, the significance of which in his development is vital. He had received his second lesson in humility. At last his habit, formed in boyhood, of ridiculing other persons through offensive, anonymous writing, had been sternly checked. He had needlessly and heedlessly assailed a brave and honorable man, and the insulted Shields had resented it in the terms and manner of the times. Never did Lincoln forget that experience. Never again did he write an anonymous letter, never again say any insulting word about any human being. From the time of the Shields duel Lincoln was infinitely circumspect and considerate in his dealings with others.

[1] Butler, Shields, Merryman, and Whiteside correspondence and Lincoln's statement. *Sangamo Journal*, Oct. 7, 14, 1842.

As a result of the incident Shields did not suffer socially or politically. Immediately after his return from Alton and while defiances were flying between him and Butler, Whiteside, and Merryman, with Lincoln as messenger, we find Shields a guest at a 'social party' given by the Edwardses; at the very next meeting of the Legislature, which convened in a few weeks, he was re-elected to the office of State Auditor by a majority of more than two to one;[1] soon thereafter he was appointed by Governor Ford a Justice of the Supreme Court of Illinois to succeed Douglas, to which office he was elected by the Legislature of 1844–45;[2] and within less than three years, he was made Commissioner of the General Land Office at Washington.[3]

The meetings of Lincoln and Miss Todd, under the supervision of Mrs. Francis, were resumed.[4] Again Lincoln was the victim of doubt, desire, duty, and remorse, blended into a state of mind so hard to analyze. Speed had been married nearly eight months. The week after his affair with Shields and while Springfield was 'in a ferment, and a street fight somewhat anticipated,' Lincoln wrote to Speed, asking 'a close question, "Are you now in feeling as well as judgment glad that you are married as you are?" . . . Please answer it quickly, as I am impatient to know.' Speed had endured 'immense sufferings' for six months before his marriage — how does he feel now after nearly eight months as 'the husband of a lovely woman?'[5]

Speed assured Lincoln that all was well with him and, thus fortified, Lincoln again proposed to Miss Todd, was accepted, and before his faltering resolution once more broke down they were hastily married, November 4, 1842. 'One thing is plainly

[1] One hundred and four for Shields to forty-four for Levi Davis. *House Journal*, Sess. 1842–3, 201. Jan. 14, 1843.

[2] Feb. 17, 1845. Condon, 50.

[3] Shields resigned the office of Justice of the Supreme Court, April 2, 1845, to take that of General Land Commissioner, Condon, 52; and he resigned from this office a year later to go to the Mexican War as Brigadier General in command of the Illinois regiments. *Ib.*, 55.

[4] Mrs. Francis twice refused to tell Herndon anything about the affair. Mrs. S. Francis to Herndon, Aug. 10, 1887, and Feb. 9, 1888. Weik MSS.

[5] Lincoln to Speed, Oct. 4, 1842. *Works*, I, 238–40. In this letter Lincoln says that Speed had 'heard of my duel with Shields' and gives a hasty summary, from the viewpoint of his friends, of the altercations then going on among Butler, Shields, Whiteside and Merryman, in part of which Lincoln acted as messenger.

discernible,' testifies the loyal and devoted Speed; 'if I had not been married and happy — far more happy than I ever expected to be — he would not have married.' [1]

Miss Todd's sister and brother-in-law were taken utterly by surprise. 'The marriage of Mr. L. and Mary was quick and sudden,' says Mrs. Edwards, 'one or two hours notice.' [2] But William Jayne, brother of Julia Jayne, thinks that a few more hours elapsed before the ceremony took place: 'Mrs. Edwards knew nothing of the wedding until the morning of the day of the wedding,' he writes to Herndon.[3] Not until late afternoon did Lincoln ask James H. Matheny to act as his best man, saying, 'Jim, "I shall have to marry that girl."' [4] Beverly Powell also 'stood up' with Lincoln, while Julia Jayne and another young woman acted as bridesmaids.[5]

The Rev. Charles Dresser, minister of the Episcopal Church, performed the ceremony with ring and book — the first time that ritual had ever been observed in Springfield. 'Only a few friends were present.' [6] The groom was not cheerful. 'Lincoln looked and acted as if he were going to the slaughter,' testifies his best man.[7] While dressing at Butler's, where he still boarded, Lincoln was in distress. Butler's son, Speed Butler, seeing Lincoln in his best clothes and blacking his boots, asked where he was going and Lincoln said, 'to hell I reckon.' [8]

A comic incident enlivened the ceremony. Among the guests was 'the Falstaff of the Bench,' Justice Brown of the Supreme Court. The rough and jovial frontier Judge had never seen so formal a wedding and the clergyman in his ministerial robes reading the impressive Episcopal service, greatly interested him. When Dresser told Lincoln to repeat the words that he endowed the bride with all his worldly goods, the old Justice cried out: 'Lord Jesus Christ, God Almighty, Lincoln, the Statute

[1] Speed to Herndon, Nov. 30, 1866. Weik MSS.

[2] Mrs. Edwards's first statement. Weik MSS.

[3] Jayne to Herndon, 'Dear Friend,' Aug. 17, 1887. Weik MSS.

[4] Matheny's statement, May 3, 1866. Weik MSS.

[5] Jayne to Herndon, Aug. 17, 1887. Weik MSS. [6] *Ib.*

[7] Matheny's statement, May 3, 1866. Weik MSS.

[8] Statement of Col. Speed Butler to Hon. Lincoln Dubois and by him to author, June 15, 1924.

fixes all that.' Even the minister nearly broke down with laughter.[1]

Mr. and Mrs. Lincoln went immediately to the Globe Tavern in Adams Street, kept by a widow of the name of Beck, where they lived for more than a year, paying four dollars a week for board and room.[2] Thus began his continuous and life-long tutelage in humility, his instruction in patience and the practice of that supreme virtue, which was to continue without ceasing year after year and decade after decade so long as he lived. For his wife soon unchained that temper which grew more savage through the years, was exhibited in the sight and hearing of many, and which her physician, Dr. Thomas W. Dresser, son of the clergyman who married her, believed to be due to 'a cerebral disease' that finally drove her insane.[3] She speedily became a 'she-wolf,' as Herndon, long afterwards, described her to Weik,[4] without knowing that John Hay, as Secretary to the President, had used a similar but even stronger and more picturesque phrase about Mrs. Lincoln.

The marriage caused comment. In the opinion of Matheny 'it was a policy match all round.' Stuart said the same thing.[5] But Matheny also declares that 'Lincoln often told him . . . that he was driven into the marriage, said it was concocted and planned by the Edwards family;' and that 'Miss Todd . . . told Lincoln that he was in honor bound to marry her.' [6] Herndon, however, in excuse of his hero, exclaims: 'How natural that he should seek by marriage in an influential family to establish strong connections and at the same time foster his political fortunes!' [7]

[1] Judge James H. Matheny to Weik, Aug. 21, 1888. Matheny was Lincoln's best man at the wedding and gives the incident in convincing detail. He was Judge of the Sangamon County Court when he wrote this account to Weik.

One week after his marriage Lincoln wrote to Samuel Marshall: 'Nothing new here, except my marrying, which to me is matter of profound wonder.' MS. in Chicago Historical Society.

[2] Lincoln to Speed, May 18, 1843. *Works*, I, 267–9.

[3] Dresser to Weik, Jan. 3, 1889. Weik MSS. 'While the whole world was finding fault with her temper and disposition, it was clear to me that the trouble was a cerebral disease.' *Ib.*

[4] Herndon to Weik, Jan. 16, 1886. Weik MSS.

[5] Stuart's statement.

[6] Matheny's statement, May 3, 1866. Weik MSS.

[7] Herndon, II, 205.

Lincoln was now a member of the powerful Edwards-Stuart clan; but the political results of the alliance were not encouraging to him. The next step in his plans was an election to Congress. He had, at last, accepted the convention as a method of making party nominations, as a device for party management and discipline. His old New Salem friend, John Bennett, now of Petersburg, where the inhabitants of the Sangamon hamlet had gone when it expired, did not like the convention and the use of it made by the managers. In a letter to Bennett, Lincoln regrets that any Whig 'should longer be against conventions' — that matter was settled. Only 'last Wednesday' night, chosen Whigs from over the State had met at Springfield, 'fully discussed' the matter, decided for conventions, and 'appointed a committee to draft an address to the people of the State' which Bennett will see in the *Journal*. Lincoln wrote this party appeal and assures Bennett that the argument in it for conventions 'is conclusive.' [1]

This Whig address, signed by Lincoln, Logan, and Bledsoe, states the issues on which the Illinois Whigs fought the Presidential campaign of 1844, with Clay as their standard bearer. It declares for a protective tariff as 'indispensably necessary to the prosperity of the American people' and against 'direct taxation for a national revenue.' As to 'protection,' Lincoln first quotes from a letter of Jefferson, one of Jackson, and a speech of Calhoun. The revenue has been smaller than government expenses, and there have been deficits for several years, to meet which 'loan after loan . . . has been resorted to.' The result is 'a new national debt' which is growing with a 'rapidity fearful to contemplate' — like a war debt, in fact. Resort must be had either to direct or tariff taxation. Direct taxation meant collectors everywhere, 'like swarms of Egyptian locusts, devouring every blade of grass and other green thing;' whereas a tariff required 'comparatively few officers' and would be 'paid by the consumers of foreign goods.' Thus the tariff would fall on 'the wealthy and luxurious few, while the substantial and laboring many who live at home, and upon home products, go entirely free. By the direct tax system none can escape.'

[1] Lincoln to Bennett, March 7, 1843. *Works*, I, 259–61.

The Illinois Whigs had gone back to the party doctrine of a National Bank, on the constitutionality of which Lincoln repeats his arguments advanced in his Sub-treasury speech, especially 'the sanction of the Supreme Court, the most enlightened judicial tribunal in the world.' However, why argue about the Bank; 'we could not hope to improve in the least on former discussions of the subject.'

The wisdom of Clay's land bill was 'the clearest imaginable' — more than forty thousand dollars were its product even during the 'almost unparalleled' hard times and 'almost insupportable difficulties' of 1842. Objection that Clay's munificence with the proceeds of public lands would 'impoverish the national treasury' and increase the tariff, meant only that those whose pride and wealth 'prompt them to spurn the manufactures of our country, and to strut in British cloaks and coats, . . . may have to pay a few cents more on the yard for the cloth that makes them. A terrible evil, truly, to the Illinois farmer, who never wore, nor ever expects to wear, a single yard of British goods in his whole life.'

Let 'a Whig candidate for Congress be run in every district, regardless of the chances of success,' as a means of preserving party solidarity. For the same reason the Whigs must accept the 'convention system; . . . while our opponents use it, it is madness in us not to defend ourselves with it.' Experience has proved that. Whigs have fought among themselves and seen 'the spoils chucklingly borne off by the common enemy.' Think of the fable of the bundle of sticks, told by Æsop, 'that great fabulist and philosopher; . . . and he whose wisdom surpasses that of all philosophers has declared that "a house divided against itself cannot stand."' Thus Lincoln uses the words of Jesus to support a Whig party plan. Fifteen years later he applied the same quotation to slave and free States.

Whigs must cheer up. Although beaten in most States, there is no ground for the universal Whig despondency. Look at the 'mighty host' that elected Harrison and Tyler. 'Have they gone over to the enemy?' No; tens of thousands did not vote in the late elections. 'They can come forward and give us the victory again.' Why not? Their principles are as dear as ever,

their policies as sound. Everybody knew that if Harrison had lived, all would have been well. His death and Tyler's desertion of Whig policies caused the country's plight and Whig disaster. 'Let us then again come forth in our might, and by a second victory accomplish that which death only prevented in the first.' They could win; 'the Whigs are always a majority of this nation. . . . Let every Whig act as though he knew the result to depend upon his action,' and 'a Whig will be elected President of the United States.' [1] Such was Lincoln's statement to the party organization of the Whig issues in the Presidential campaign of 1844.

Under the national census of 1840 Illinois was given seven representatives in Congress. The State did not define its Congressional districts until March 1, 1843,[2] and the election of representatives was carried over from 1842 to that year. A three-cornered contest arose in the seventh district, of which Springfield was the centre, among Hardin, Lincoln, and Baker. In less than six months after Lincoln's marriage, the Sangamon County Whigs selected delegates to the Congressional Convention, to be held at Pekin, Tazewell County, and to Lincoln's chagrin and disgust, they chose Baker as their candidate. Lincoln agreed to withdraw from the contest. He hastens to tell Speed of his bad luck: 'Baker beat me, and got the delegation instructed to go for him.' Worse still! 'The meeting, in spite of my attempt to decline it, appointed me one of the delegates; so that in getting Baker the nomination I shall be fixed a good deal like a fellow who is made a groomsman to a man that has cut him out and is marrying his own dear "gal."' [3]

Lincoln brooded over his political setback and, as beaten politicians are wont to do, told friends the causes of it. One of these causes grew in his mind and presently led him to make a move of no little effect upon that greater career, then so far in the future that no one could see or suspect it. He was not will-

[1] *Works*, I, 243–59.

[2] *Laws of Illinois*, 1843, 71; Pease to author, May 20, 1925.

[3] Domestic matters, even the most important, are now of small concern to Lincoln; for, in answer to Speed's anxious inquiry, the disappointed politician writes but a single sentence: 'About the prospects of your having a namesake at our town, can't say exactly yet.' Lincoln to Speed, March 24, 1843. *Works*, I, 261.

ing to yield to the decision of the Sangamon County Whigs for Baker. A delegate from Menard County,[1] Martin M. Morris, had written that the County was for him, and Lincoln replied that he is glad 'to learn that while the people of Sangamon have cast me off, my old friends of Menard, who have known me longest and best, stick to me.' Lincoln tells his supporter the first of the reasons for his defeat, the strongest, too, and the one that preyed most on his mind. 'It would astonish, if not amuse, the older citizens [of the vicinity of New Salem and Petersburg] to learn that I (a stranger, friendless, uneducated, penniless boy, working on a flatboat at ten dollars per month) have been put down here as the candidate of pride, wealth, and aristocratic family distinction. Yet, so, chiefly, it was.'

Then, too, Baker had all the 'Campbellites,' to whose Church he belonged. Lincoln's wife 'had some relations' with both the Presbyterian and Episcopal churches and 'wherever it would tell,' he was 'set down as either one or the other, while it was everywhere contended that no Christian ought to go for me, because I belonged to no church, was suspected of being a deist, and had talked about fighting a duel.' He does not blame Baker, nor complain of the other 'influences . . . though they were very strong . . . and levied a tax of considerable per cent upon my strength throughout the religious controversy.'

Morris had written Lincoln that the Menard County Whigs thought they had 'an equal right with Sangamon' in choosing a candidate for Congress. Quite correct, says Lincoln — 'in agreeing to withdraw,' if his own county rejected him, he did so only because, with 'her heavy delegation' against him, he could not be nominated. But he recognizes Menard County's right and thinks 'that if she and Mason [County] act circumspectly, they will in the convention be able so far to enforce their rights as to decide absolutely which one of the candidates shall be successful.'

Strange talk from a delegate instructed for Baker, and talk

[1] Menard County was a part of Sangamon until 1839 when it was cut off and established as a separate county. Lincoln had great influence in Menard because of his six years' residence in New Salem and his intimate acquaintance, formed when surveyor, with most of the settlers of the countryside. Sometimes, however, his candidate was badly beaten, as in the case of the Adams-Henry contest for Probate Judge.

well understood by politicians. But Lincoln takes no chances of misinterpretation, and specifically explains. Hardin, he says, will come into the convention with sixteen votes; so 'you [Menard] and Mason [Counties] having three, can give the victory to either side.'

Moreover, if Menard County instructs for Lincoln, as his friend tells him she will unless he objects, he 'certainly shall not object. That would be too pleasant a compliment for me to tread in the dust. And besides if anything should happen (which, however, is not probable) by which Baker should be thrown out of the fight, I would be at liberty to accept the nomination if I could get it.' However, as a delegate instructed for Baker, Lincoln feels 'bound not to hinder him in any way from getting the nomination. I should despise myself were I to attempt it.' Still it would be 'proper' for Menard to instruct her three delegates for some one as first choice, another as second, and a third as third choice; 'and if in those instructions I were named as the first choice, it would gratify me very much.'

Lincoln gives even more practical details: his friend must personally 'attend to and secure the vote' of Mason County as well as that of Menard, 'if you wish to hold the balance of power.' And 'you should be sure to have men appointed delegates that you know you can safely confide in. If yourself and James Short [1] were appointed from your county, all would be safe; but whether Jim's woman affair a year ago might not be in the way of his appointment is a question. . . . I know him to be as honorable a man as there is in the world. . . . Show this letter to Short; but to no one else, unless it be a very particular friend, who you know will not speak of it.' Lincoln asks Morris to write him again.[2]

Accordingly, Menard's three delegates were instructed to vote for Lincoln in the Tremont Convention. But Lincoln was nervous. He had 'heard it intimated that Baker' was trying to get one or two of Lincoln's delegates, but Lincoln cannot believe it; 'surely Baker would not do the like. As well might

[1] Lincoln's close friend who lived on a farm near New Salem.

[2] Lincoln to Morris, March 26, 1843. *Works*, I, 262–5.

Hardin ask me to vote for him in the convention.' And Lincoln will not tolerate popular instructions for Baker. 'Upon the same rule, why might not I fly from the decision against me in Sangamon, and get up instructions to their delegates to go for me? There are at least 1200 Whigs in the county that took no part, and yet I would as soon put my head in the fire as to attempt it.' A nomination got in such a way would destroy harmony; 'honest Whigs . . . would not quietly abide such enormities.' No! the report 'cannot be true.' But Morris must let Lincoln know 'how the matter is.' He cautiously adds: 'Don't show or speak of this letter.' [1]

Unless the Menard and Mason County delegates should deadlock the convention and turn to Lincoln, the nomination of his Springfield rival was thus made very difficult and that of Hardin much easier. Lincoln hastily writes to Speed that Hardin will be chosen. So certain of this is Lincoln that he assures Hardin that Sangamon County will support him loyally at the polls, something, as Lincoln supposes, Hardin had doubted. 'We' will try hard to give you 'the very largest majority possible in our county' — because of 'honor and pride,' because 'we love the Whig cause,' because 'we like you personally,' and because 'we wish to convince you that we do not bear that hatred to Morgan county,[2] that you[r] people have so long seemed to imagine.' Already, and 'upon pain of losing a Barbecue' we are planning to 'give you twice as great a majority in this [Sangamon] county as you shall receive in your own. I got up the proposal.' [3] Though Baker had defeated Lincoln in Sangamon County, Hardin was nominated over Baker in the Congressional Convention at Pekin, and was elected to Congress in August, 1843.

Lincoln's letter to Hardin must be read in connection with the fight for the nomination one year later. Obviously he was,

[1] Lincoln to Morris, April 14, 1843. *Works*, I, 265–6.

[2] Hardin's County, of which Jacksonville was the county seat.

[3] Lincoln to Hardin, May 11, 1843. *Works*, I, 266–7.

Lincoln is still tormented by controversies about his duel with Shields, for he adds a postscript asking Hardin to 'measure one of the largest of those swords, we took to Alton, and write me the length of it, from tip of the point to tip of the hilt, in feet and inches, I have a dispute about the length.'

with good political sense, currying favor with the man who he was sure would be nominated and elected in 1843, against the day of Lincoln's need for Hardin's support in 1844. But Lincoln's prophecy and expectation were not fulfilled. Hardin refused to be a candidate to succeed himself, and Baker was made the Whig candidate for Congress and elected in 1844.[1]

Lincoln assures Speed that he will 'support the nominee . . . all will be harmony.' Absorbed in politics he also writes jokingly on family matters. Butler had written to Speed about 'coming events' in Lincoln's family, but Lincoln tells Speed that he 'had not heard one word' concerning it before he got Speed's letter. However, Lincoln has 'so much confidence in the judgment of a Butler on such a subject,' that he rather thinks 'there may be some reality in it. What day does Butler appoint?' And now about the same kind of 'events' in Speed's family.[2] Lincoln had totally forgotten that he had written to Speed six weeks earlier on this very subject.

On August 1, 1843, a son was born and named after Mrs. Lincoln's father Robert Todd. If Lincoln made mention of the event to Speed, for whom he had expected to name the child, no evidence of that mention exists.[3] Not long after the birth of Robert the Lincolns left the Globe Hotel and moved into a one-story frame house at 214 South 4th Street. Here they remained until May, 1844, when they again moved and for the last time.

After his defeat, Lincoln realized that he was growing weaker politically, and Baker stronger. One day he took Matheny for

[1] The Whig organ gave the usual partisan account of Baker's nomination: 'The Whig Congressional Convention . . . unanimously nominated EDWARD D. BAKER of Sangamon County, for Congress. . . . Public opinion has long fixed upon him as the successor of Gen. HARDIN. . . . He will . . . be elected by a large majority. Gen. HARDIN, as we announced many months since, declined a re-election to Congress, where he is now securing "golden opinions" from his constituents. He is, indeed, a most efficient and able member and a real "workey." The resolution adopted by the Convention in reference to Gen. Hardin, will meet with a full response from his Whig friends throughout the District.' *Sangamo Journal*, May 16, 1844.

[2] Lincoln to Speed, May 18, 1843. *Works*, I, 267–9.

[3] Writing on July 26, 1843, Lincoln urges Speed to come with his Fanny for a visit, adding 'Don't fail to come, we are but two as yet.' He also intimates that 'those coming events would be in the way of a visit to the Speeds.' MS. in Barrett Collection.

a stroll in the woods and 'with great emphasis' said to him, having 'reference to L.'s marriage in the Aristocracy, "Jim, I am now and always shall be the same Abe Lincoln that I always was."' [1] For the young Whigs were leaving Lincoln and going to a champion who had not 'married into the aristocracy.' One of them, however, William H. Herndon, stuck to Lincoln, and he was uncommonly strong and influential with the young men of Springfield and Sangamon County. Ardent, convivial, frank, and attractive, he was a good politician and knew everybody. He took up with all 'reforms' from woman suffrage to abolition, which, by now, was gaining appreciable voting strength in Illinois.

Moreover, Herndon had been studying law in the office of Lincoln and Logan and had now begun to practise his profession. He had married in 1840 and, to use his own language, 'had a wife to support, had to push and hustle along [and] was poor.' [2] In his twenty-fifth year, five feet six inches tall, with friendly blue eye, raven hair, and winning smile, pleasing manners, unreserved, impulsive, outspoken, and loquacious, Herndon was an engaging figure when, in the autumn of 1844,[3] Lincoln took him for junior partner in the firm of Lincoln and Herndon, attorneys at law, to be dissolved only by Lincoln's death, twenty-two years afterward. 'Lincoln had his reasons,' cryptically observes Onstot of Lincoln's taking Herndon for a partner. As a business arrangement, it suited Lincoln; as a political partnership, it was well-nigh perfect.

The partnership with the exact and methodical Logan which had lasted three and one half years had been dissolved. That admirable lawyer and excellent business man was a staunch and determined Whig and one of the 'Junto'; but he was interested in the practice of the law rather than in the management of politics. He was careful, exact, and systematic in his office, correspondence and legal work, and had to do most of the labor of the firm.[4] He was not 'popular,' in the political sense of that

[1] Matheny's statement, May 3, 1866. Weik MSS. The incident occurred in 1846–7.

[2] Herndon's statement to Weik, no date. Weik MSS.

[3] Lincoln stated that he was partner of Logan from the spring of 1841 to the autumn of 1844. Lincoln to Kinkead, Sept. 13, 1853. *Abraham Lincoln, Defendant:* W. H. Townsend, 21.

[4] Herndon, II, 264–5.

word, while none in Illinois was more of the 'hail-fellow-well-met' variety than was 'Billy' Herndon.

He was attached to Lincoln, too, with a devotion possible only to one of his temperament. As we have seen, this hero worship had begun when, as a little boy, Herndon had with awe beheld Lincoln pilot the *Talisman* up the Sangamon. It had grown while the youth was a clerk in Speed's store and had listened with admiring wonder to Lincoln's talk before the big fireplace; and it had developed still more when Herndon was admitted to the small and select company of young men who met in his employer's bedroom upstairs where he, too, was finally allowed to sleep. So in his junior partner Lincoln had a worshipper also; and the fact that he was even more politically ambitious for his chief, if possible, than was Lincoln himself, was no disadvantage.

Lincoln and Logan had had sharp disputes, as Herndon supposed, about the rival political ambitions of the two partners, although of this there is no evidence. At any rate Herndon was not surprised, he declares, 'one morning, to see Mr. Lincoln come rushing up into my quarters and with more or less agitation tell me he had determined to sever the partnership with Logan.' But the young lawyer 'was surprised' when Lincoln invited him to become his partner. Herndon's youth and inexperience made him hesitate. 'But,' he continues, 'when he remarked in his earnest, honest way, "Billy, I can trust you, if you can trust me," I felt relieved, and accepted the generous proposal.' So the partnership began and continued without a single misunderstanding or dispute.[1]

In May, 1844, Lincoln bought for fifteen hundred dollars a house from the Rev. Charles Dresser,[2] on land on the northeast corner of Jackson and Eighth Streets.[3] There the Lincolns went to live.

In the presidential campaign of 1844, Lincoln was again made presidential elector on the Whig ticket. May 1 of that year, at

[1] Herndon, II, 265–6. While Lincoln and Herndon practised law together for the time stated, the partnership continued after Lincoln's election and until his death.

[2] The Episcopal minister who had married him.

[3] *Works*, I, 269–70. The history of this house has been told by Archie L. Bowen in *Lincoln Centennial Association Papers*, 1925, 17–73.

the Whig National Convention in Baltimore, Clay had been nominated by acclamation. Four weeks later the Democrats had named James K. Polk of Tennessee, an almost unknown man who had not been considered as a presidential possibility. This result was favored by the readoption of the rule requiring two thirds of the delegates to nominate. Van Buren had a majority of the delegates and richly deserved the nomination; but his refusal to endorse the party's demand for the annexation of Texas defeated him. Amid indescribable confusion the Convention was stampeded for the first 'dark horse' ever chosen by a political party in a national campaign.[1]

The Democratic platform declared for the annexation of Texas and the maintenance of American title to the whole of the vast territory of Oregon — in short for expansion — and this became the overshadowing issue of the campaign. The Whigs, generally, were against taking Texas into the Union. Even many of their leaders in the South questioned the wisdom of annexation, and some boldly opposed it. The Whig Convention denounced the Democratic plan, and, during the campaign, Clay shifted his position from open antagonism to mild acquiescence in the westward movement.[2] The Whigs were, at best, sullenly antagonistic to that great folk movement which made the United States a continental Republic.

For the most part the Whigs championed protection, a National Bank, and a 'sound currency;' but popular idolatry of 'Harry of the West' was their chief practical asset. Few men have so appealed to the imagination and hearts of the masses as did Henry Clay. For twenty years he had been the choice of millions, had thrice been a candidate for the Presidency, and always the foremost leader of his party. He had not received the Whig nomination in 1840, and two years before his campaign of 1844, great Whig meetings began to proclaim him as their choice. At a tremendous gathering in Philadelphia, 'there was but one feeling' as to the man to lead the nation back to prosperity and

[1] For a succinct and accurate account of the nomination of Polk see *Constitutional and Party Questions:* S. A. Douglas, as reported by Col. J. Madison Cutts, 149–54.

[2] For careful and thorough treatment of the position of the Southern Whigs, see *The Whig Party in the South:* Arthur Charles Cole, 109–18.

honor.[1] The Whig papers printed Clay songs and Whig Glee Clubs sang them lustily.[2]

When the campaign came on the ardor of the Whigs knew no bounds. 'Redeem the Country,' 'restore prosperity' and, louder than all else, 'hurrah for Clay,' were the war cries of the Whigs.[3] The Democratic slogans were 'Texas,' 'Oregon,' 'Manifest Destiny,' 'Forward, to the West'; and, above all, that stirring, militant demand 'Fifty-four Forty or Fight' — war rather than to yield to Great Britain any part of the vast domain below that line, every foot of which, the Democrats claimed, belonged by

[1] *Sangamo Journal*, Sept. 16, 1842.

[2] Examples of these are 'Harry of the West,' sung to the tune of 'Hero of the Thames':

'Then, freeman, rise and rally round
The statesman ever true;
And soon his name, with trumpet sound
Shall wake the welkin blue:
And millions, with admiring eyes,
Will call him from his rest;
With him we'll gain new victories,
OUR HENRY OF THE WEST!'

Sangamo Journal, Sept. 30, 1842.

'Then pass this honored name around,
Till echoes catch your thunder,
The universal glad rebound,
Shall make the tories wonder!
Come one, come all,
Let nought appal,
Brave boys no longer tarry,
But stand by him who never quail'd,
Our true and gallant Harry;
Our true and gallant Harry;
But stand by him who never quail'd
OUR TRUE AND GALLANT HARRY.'

Ib., Sept. 9, 1842.

[3] The temper and spirit of the Illinois Whigs are illustrated by this later appeal to attend a great Whig rally at Peoria:

'Whigs of Sangamon! Young men, old men — and that rich crop of young whigs now panting to enter the political arena — WON'T YOU BE THERE? Will you not give FOUR DAYS, even at this busy season of the year, to your country? Will you not be there to stimulate by your presence, to fire by your zeal, to warm by your devotion the whigs of other counties, to emulate your untiring, unrelaxing, never ceasing efforts, to redeem our fair State and country from the blighting curse which has followed the reign of Loco Focoism?

'Think of it, brethren! Look about you, arrange your business. Our women will pack up our food for us — our girls will follow us with their eyes and their blessings — our boys will keep shop, will plough our corn, will see to our stock — nothing shall be neglected while WE DEVOTE FOUR DAYS TO OUR COUNTRY.' *Sangamo Journal*, June 13, 1844.

right to the United States. Indeed, as a practical influence on voters, American title to the Oregon country was quite as strong a political force in the campaign of 1844 as the annexation of Texas. Already long trains of covered wagons were making their way to the far Northwest.

Perplexing cross currents entered into the campaign. The 'native American' movement, later developing into the Know-Nothing party, as it was popularly called, had become formidable. The Democrats denounced it; the Whigs silently welcomed its aid. To ecstatic praise of Clay, Democratic speakers and newspapers replied by vitriolic attacks on his habits and personal life; Clay was a drunkard, they said, a libertine, a duellist. Cartoons represented Quakers sorrowfully telling Clay that they could not vote for him because of his bad morals.

On the dominant issue of territorial expansion the Whigs were vague or silent, the Democrats clear and outspoken. Little was said by either side about slavery. But a section of the Abolitionists would consider nothing else. In August, 1843, the Liberty Party had again nominated James G. Birney for President. Although they violently opposed Texan annexation because they believed and hotly declared that project to be a scheme to extend slavery, and although by the election of Clay the extension of our territory in the Southwest would be postponed if not permanently prevented, the supporters of Birney enabled Polk to carry New York. Clay was once more defeated in his life-long fight for the Presidency, and the annexation of Texas was made certain.[1]

Such, in brief outline, was the campaign in which Lincoln spoke for his party throughout Illinois. No report of what he said exists, but he certainly spoke on the lines of the Whig circular written by him in the fall of 1843. He made three speeches in Indiana, too, one at Gentryville, where he greeted friends of his boyhood and youth and asked after old neighbors.

So came to an end this short but vital period of Lincoln's life; in such fashion began another much like it and almost as im-

[1] For a lucid and compact statement of this campaign see Channing, v, 543–6. Garrison opposed Birney and announced 'No union with slaveholders.'

portant in the evolution of his career. We shall now accompany him through these robust and, to Lincoln, disciplinary years; and, as we go, witness the unfolding of a brilliant part of the epic of the Nation.

CHAPTER II

CONGRESS AND DECLINE

Is there not treason in the heart that can feel, and poison in the breath that can utter, such sentiments against their own country, when forced to take up arms in self-defence, to repel the invasion of a brutal and perfidious foe? DOUGLAS.

I never was much interested in the Texas question. . . . I never could very clearly see how the annexation would augment the evil of slavery. . . . I hold it to be equally clear that we should never knowingly lend ourselves . . . to prevent that slavery from dying a natural death — to find new places for it to live in, when it cannot longer exist in the old. LINCOLN.

'YOU know that my only argument is that "Turn about is fair play,"' wrote Lincoln to one of his supporters for the Whig nomination for Congress in 1846. In the multitude of letters which he showered upon the Seventh Congressional District when pushing his candidacy the practical politics of rotation in office was the dominant note. Grave issues were before the country, great events impending; but to these he gave no heed. In fact, he appears not to have been interested in them. So 'turn about is fair play,' said Lincoln and he said little else.

From the moment of his defeat by Baker in 1843–44 he worked steadily to win next time. He overlooked no detail that might help him. Upon the assumption that Hardin would not be a candidate, it was obviously political sense for Lincoln to cultivate the friendship of the brilliant and popular young Whig leader, and this Lincoln did. He wrote to Hardin, while the latter was still in Congress, to 'correct' unfavorable impressions among his constituents. 'Old uncle Thomas Campbell of Spring Creek (Berlin P. O.),' for instance, was disgruntled because Hardin had sent him only uninteresting documents and old newspapers. And Robert W. Canfield would like some fresh documents, too. Lincoln also informed Hardin of the sentiment of the local Democratic leaders. '*They* are for Texas anyhow,' notwithstanding Van Buren.[1] After such watchfulness on his behalf, could Hardin do anything else than favor

[1] Lincoln to Hardin, May 21, 1844. *Works*, I, 270–1.

Lincoln when Baker's term should expire — in case he did not run himself?

Among Whig politicians Lincoln labored diligently, writing to them and as he rode the circuit seeing personally the most effective workers in each county. Seemingly all was well, when, upon Hardin's return from Washington in the summer of 1845, talk soon sprang up that he ought to be made the Whig candidate for Governor or for Congress. Lincoln heard that two party newspapers had suggested Hardin for one or the other of those offices. In alarm he wrote to B. F. James, editor of the *Tazewell Whig*, the woeful news and added: 'I wish you would let nothing appear in your paper which may operate against me. You understand.' [1] In the *Journal* Francis had published an editorial on the subject which Lincoln saw before it was printed. 'I chose to let it go as it was, lest it should be suspected that I was attempting to juggle Hardin out of a nomination for Congress by juggling him into one for governor.' Lincoln would not object, he told James, 'if you, and the other papers a little more distant from me, choose to take the same course you have [Hardin for Governor]. . . . Confidential, of course.' [2]

To 'Friend Dummer' he was more explicit. Baker had told Lincoln that 'in accordance with what had long been an understanding between him and me, the track for the next Congressional race was clear to me, so far as he was concerned; and that he would say so publicly in any manner, and at any time, I might desire.' Lincoln wished Dummer, 'if it be consistent with your feelings,' to 'set a few stakes for me.' He 'did not certainly know' but 'strongly suspected' that Hardin wished to run again. He knew of 'no argument to give me a preference over him, unless it be "Turn about is fair play."' Dummer was to see that the Beardstown paper takes no stand that would injure Lincoln's chance, 'unless the conductor really prefers Genl. Hardin, in which case, I suppose it would be fair.' Again, this was 'confidential' and 'please write me in a few days.' [3]

[1] Lincoln to James, Nov. 17, 1845. *Works*, I, 278.

[2] Same to same, Nov. 24, 1845. *Ib.*, 278–80.

[3] Lincoln to Dummer, Nov. 18, 1845. MS., Chicago Historical Society. The *Beardstown Gazette* was edited by Sylvester Emmons, a bitter opponent of Mormonism.

Finally, Lincoln's misgivings were justified — Hardin announced his candidacy for Congress. 'All has happened as I then told you I expected it would,' wrote Lincoln to an influential party worker, Dr. Robert Boal. For the sake of peace, Lincoln would 'give way' to Hardin 'if *neither* of us had been to Congress, or, if we *both* had.' But Hardin had had his turn, Baker had had his turn, and now it was Lincoln's turn. 'You know that my only argument is that "'turn about is fair play."' Lincoln relied on Boal, he said, for a 'fair shake' in Boal's county, and asked him for the names and addresses of other Whigs to whom Lincoln could write; otherwise 'Hardin, with his old franking list, will have the advantage of me.' [1]

After Hardin became a candidate, letters like this flowed in ever swelling streams from Lincoln's anxious pen. The few that still exist disclose the mind of the vigilant and sensible country politician intent on the practical task of securing delegates. In a doubtful county, he wrote to 'three or four of the most active Whigs in each precinct;' he made a quiet trip through parts of the district; he urged trustworthy friends to be up and doing — 'let no opportunity of making a mark escape.' [2]

The fight for delegates became so spirited and factional feeling so strong that, about the middle of January, 1846, Hardin proposed to Lincoln that they submit the choice of a candidate to the Whig voters at a party election to be held on the same day in each precinct of the District, both Lincoln and Hardin to make a public pledge that neither would go into any county but his own 'to electioneer,' or allow his friends to do so. 'The object of this being to prevent excitement . . . and leave voters . . . to their unbiased choice.' [3]

[1] Lincoln to Boal, Jan. 7, 1846. *Works*, I, 280–1.

[2] Lincoln to James, Jan. 14, 1846. *Ib.*, 282–4. And see Lincoln to John Bennett, Jan. 15, 16, 1846. *Ib.*, 284–5.

[3] *Sangamo Journal*, Feb. 26, 1846. Hardin's plan, a limited primary, was simple. A handbill printed and circulated by a Whig Central Committee at Springfield, and paid for by the winner, was to inform Whigs of the time and places of voting; the party voters in each precinct were to meet on the day of balloting and select judges of the election and these judges were to send the Central Committee a written statement of the votes cast for each candidate; the Central Committee was to publish the result as soon as all returns were in; 'whoever gets most votes in a county shall be entitled to the vote in that county in the general result made out by the Central Committee.' In determining this 'general result' each County was to have 'the same number [of dele-

Lincoln refused. 'I am entirely satisfied with the old system under which you and Baker were successively nominated and elected to Congress,' he wrote. Nor would he agree that each candidate should stay in his own county. That, said Lincoln, would give Hardin a 'decided advantage,' because he had been in Congress and his name was well known throughout the District.[1]

As soon as he received Hardin's proposal, Lincoln wrote to a friendly Whig editor that the plan would hurt him and was meant to hurt him: so 'let nothing prevent' the immediate publication of 'an article . . . taking strong ground for the old system . . . without seeming to know or suspect that any one desires to change it.' [2] Constantly Lincoln struck the chord of rotation in office — Hardin 'has had a turn and my argument is "Turn about is fair play."' [3] With the effective skill of suggestion, sometimes the more persuasive because indirect, he gave his strongest supporter detailed directions — the date and place of holding the convention, the manner of choosing delegates, who must be instructed and vote as county units, and the like. 'You understand. Other particulars I leave to you.' [4]

In disgust Hardin at last withdrew from the contest. He gave his reasons in an open letter to the Whigs of the District. Word had got out, he said, that he would run for Governor, but that report was untrue. Equally false was the statement and invalid the argument which had been industriously peddled about, that he had agreed with Baker not to oppose him in 1844 and that, therefore, he ought now to treat Lincoln the same way. 'I deem it an act of justice to myself,' wrote Hardin, 'to state that this report is utterly without foundation. I never made any bargain, or had any understanding, directly or indirectly, with Mr.

gates] allowed in the two last Conventions.' Thus the county strength would be preserved in the selection of a candidate and a heavy majority in any one or two counties would not overcome other counties.

[1] Lincoln to Hardin, Jan. 19, 1846. *Works*, I, 271–4. In Lincoln's *Works* the date of this letter is incorrectly given as Jan. 19, 1845. Hardin's proposal to which it was an answer was not made until the middle of Jan., 1846.

[2] Lincoln did not tell James that Hardin was the author of the plan, saying only that such a 'movement' was 'on foot.' Lincoln to James, Jan. 16, 1846. *Ib.*, 285–6.

[3] Lincoln to N. J. Rockwell, Jan. 21, 1846. *Ib.*, 286.

[4] Lincoln to James, Jan. 27, 1846. *Ib.*, 286–8.

Baker, or any other person, respecting either the last or any future canvass for Congress. Neither Mr. Baker nor any other voter of the District knew I would not be a candidate for re-election [in 1844], until I stated that fact publicly after my election.' [1]

Because of these rumors, declared Hardin, many of his friends had become 'compromitted' [pledged to Lincoln]. Moreover, it was distasteful to go on under the old system and to 'use the activity' employed 'to obtain a nomination in this District.' Also the contest had become such as to arouse 'dissatisfaction which it would be difficult to heal.' With this letter of withdrawal Hardin published his proposal to Lincoln to let the voters select the candidate and Lincoln's refusal.[2]

The Whig organ at Springfield, in an editorial familiar in such party situations, salved the feelings of Hardin and his friends. Hardin had been and still is 'a great favorite with the Whigs in the District;' but many did not expect him to be a candidate. If the situation were reversed, Lincoln's most ardent advocates 'would have supported Gen. Hardin quite as warmly.'

On May 1, 1846, the Whig Convention met at Petersburg, as Lincoln had suggested. Herndon was made Secretary and, on motion of Logan, Lincoln was nominated by acclamation. To the smallest item it was Lincoln's convention. The platform declared for the existing protective tariff, condemned the proposed Democratic reduction of it, 'utterly disapproved' the Sub-treasury, urged Whig unity, and declared that Lincoln's ability, integrity, and party services entitled him to the 'cordial and active support' of all Whigs 'in the approaching election.' [3] Such was the political program upon which Lincoln entered the congressional campaign of 1846. Texas, Oregon, expansion, slavery, all vital issues, were carefully avoided.

The Democratic organ sneered at Lincoln's convention. Only

[1] This avowal of Hardin and a like assertion by Logan to Herndon (Logan's first statement, no date. Weik MSS.) dispose of the statement which has persisted to this day, that Hardin, Baker, Lincoln, and Logan entered into an agreement or understanding that each, in turn, should go to Congress.

[2] Hardin, 'To the Voters of the 7th Congressional District, Feb. 16, 1846.' *Sangamo Journal*, Feb. 26, 1846.

[3] *Ib.*, May 7, 1846.

half the counties in the District were represented, declared the *State Register*. And Lincoln! 'Is Lincoln for 54–40, or is he for "compromising" away our Oregon territory to England, as his brother Whigs in Congress . . . appear to be determined on. . . . No shuffling, Mr. Lincoln! Come out, square!' [1] And during the campaign he did 'come out square,' but afterwards was silent. Lincoln had been nominated by 'the rotary system,' said the *State Register* with truth; 'the very worst system for the people, that was ever practiced;' and under that system Logan was to succeed him. Alas! for the Seventh District.[2] Lincoln made the same public statement which Hardin had made, that he would not be a candidate to succeed himself, and, like Hardin, afterward regretted it.

While these trivial incidents of an ordinary contest for a congressional nomination were in progress, black and heavy clouds, which for years had been rolling up from the Southwest, overspread the whole country. War with Mexico was impending and inevitable. In a final effort to adjust peaceable differences between the two countries, President Polk had sent a representative to Mexico, John Slidell, with authority to negotiate an amicable settlement. The government then in power in that country, one of many that rose after the frequent revolutions, refused to receive or listen to him. On hearing of the rebuff to Slidell American troops were sent to the Rio Grande for the protection of the newly annexed State of Texas, and faced a Mexican army on the opposite bank of that river. News of a necessary military manœuver which appeared to be an American retreat disturbed the Whig organ at Springfield. 'We do not like the appearance of Gen. Taylor moving from under the guns of the Mexicans,' exclaimed the *Sangamo Journal* a week before the Whig Convention met and nominated Lincoln for Congress; 'Surely fear could not have induced him to abandon his position.' [3]

In the same issue, this oracle of Illinois Whiggery demanded the adoption of a sterner course toward Mexico than President Polk had pursued. Because of his intimate relations with the

[1] *Illinois State Register*, May 8, 1846.

[2] *Ib.*, May 29, 1846. [3] *Sangamo Journal*, April 23, 1846.

Sangamo Journal, with which he was always in perfect accord on political matters, its editorial statement is of high importance as showing Lincoln's opinion, at that time, of our trouble with Mexico. The Springfield Whig paper savagely denounced the President's attempt to conciliate Mexico. 'We think that the Mexican authorities have insulted our government, and robbed our people sufficiently, to call for some other policy than that of suing at their feet for our just rights. Nothing but pusillanimity on our part will continue our present policy with Mexico.' [1]

Ten days after Lincoln's nomination the storm broke. Hostilities had already begun and on May 11, 1846, Polk advised Congress of the situation. Immediately Congress declared the existence of a state of war 'by the act of Mexico,' voted ten million dollars and authorized a call for fifty thousand volunteers.[2] Three hundred thousand men responded. 'Mexico or Death,' read placards in New York; a colossal war meeting was held in Philadelphia; the South and West were on fire with eagerness for the conflict. 'For Mexico; fall in!' were the words on a recruiting banner which Lew Wallace displayed in Indianapolis.[3]

Illinois blazed with martial spirit. Her quota was three regiments, each of a thousand men;[4] they were instantly provided[5] and, in addition, thousands begged to be taken.[6] Hardin was

[1] *Sangamo Journal*, April 23, 1846. The *Journal* in another editorial continued: 'If she [Mexico] is to keep up a half-war on our frontier; if she is to rob our merchants on the highway of nations, acknowledge her robberies and refuse redress; if these things are to be longer done with impunity, we shall cease to respect ourselves and will most certainly be regarded with contempt by the world. We are disposed to ask of Mexico nothing which is wrong, and if we recognize a just national pride, and design to sustain a high national character, we shall exact of her what is right.'

[2] *Cong. Globe*, 29th Cong. 1st Sess., xv, 791–5; 795–804, May 11–12, 1846.

[3] *The War with Mexico:* Justin H. Smith, I, 194–5. Wallace's company was quickly filled. *Ib.*

[4] *Sangamo Journal*, June 11, 1846.

[5] Among the young men who enlisted and who afterward had notable careers were John A. Logan and Richard J. Oglesby. *Illinois — Historical and Statistical:* John Moses, I, 498.

Indiana was equally enthusiastic and more men volunteered than could be accepted. *Indiana in the Mexican War:* Oran Perry, 30–9.

[6] *Sangamo Journal*, June 25, 1846; Moses, I, 490. The Illinois Whig organ sharply assailed the Governor for refusing to take these eager volunteers. 'They flew to arms at their country's call.' *Sangamo Journal*, July 2, 1846.

the first to enlist, and was made Colonel both by election and appointment. William H. Bissell, who had also served with Lincoln in the Legislature, was placed in command of the Second Illinois Volunteers.[1] Both regiments quickly left for the front.[2] James Shields quitted his office of General Land Commissioner at Washington, was appointed Brigadier-General in charge of the Illinois troops, and was soon at Alton, the military rendezvous of his State.[3]

Without resigning his seat in Congress, Baker implored to be permitted to raise a fourth regiment in Illinois, and was finally allowed to do so. More than enough men to fill it were awaiting him when he reached Springfield; [4] and, with drums rolling and fifes shrilling, he marched out of the State capital at the head of his command, through flag-bedecked streets crowded with cheering thousands, amid the weeping farewells of women, the encouraging God-speeds of men.[5] In overwhelming numbers and with great enthusiasm, the people of Illinois were for the war when it began. Only here and there an Abolitionist shook his head, or a dour old Whig grumbled in his beard. Generally speaking, the opposition of the national Whig leaders to the conflict, which we shall presently review, had not yet penetrated the masses of their party in the youthful, rugged prairie State.

The seeds of ardor for Texas and hatred of Mexico had been sown widely and on fertile soil ten years before the clash of arms on the Rio Grande in 1846. The beginning of the Texan war of Independence in 1836 had been marked by deeds that thrilled all America. Tales of heroism and atrocity were told in every household in the United States; and these inspiring and revolting stories were true. When the call finally came, not a young man flew to the colors, who had not heard in boyhood the dramatic stories of the Alamo, Goliad, San Jacinto.

No explanation is possible of the popular fervor and stirring

[1] Moses, I, 490–1. [2] July 22. *Sangamo Journal*, July 23, 1846.

[3] Moses, I, 490.

[4] *Ib.* Baker made the journey from Washington to Springfield in the unprecedentedly short space of six days. *Sangamo Journal*, June 11, 1846.

[5] *Illinois State Register*, July 3, 1846. In June, 1846, William Walters ceased to be editor of the *State Register*, having volunteered for the war, and Charles H. Lanphier succeeded him.

scenes in which Lincoln found himself when a candidate for Congress, unless we bring to mind once more acts in the drama of early Texas and behold again the tragedies fresh in the eyes of American youth who took the field to defend the new State, which, at last, had been made a part of the American Republic.

After a siege of some length, at the Alamo, March 6, 1836, just before dawn, Mexican bugles suddenly blew 'no quarter' and about twenty-four hundred Mexican soldiers stormed the futile walls of the ancient monastery. Within the inadequate defences one hundred and eighty-eight Texans fought silently. In less than thirty minutes all were killed. 'In this war there are no prisoners,' said the Mexican commander, Santa Anna, to one of his officers as he ordered the assault.

Colonel William Barret Travis was among the first to fall. During the siege he had sent through the Mexican cordon an appeal, Homeric in its dauntless spirit. David Crockett, who, throughout desperate days, had cheered his fellow defenders by dropping his rifle now and then and playing his violin, died fighting surrounded by the bodies of assailants he had slain. Col. James Bowie, wounded and in bed with pneumonia, was killed.

A few days after the massacre of the Alamo occurred a tragedy even more terrible. About three hundred and fifty-eight Texan soldiers who had surrendered as prisoners of war were held at Goliad. Many of them were young men from the United States who had gone to Texas to help in her fight for freedom. On a Sunday morning they were taken out of prison with their knapsacks on their backs. Some laughed and sang, for they thought they were going home. Instead, they were lined up on the prairie and shot almost to a man.[1]

Then came San Jacinto. Towards the last of April, 1836, among the oaks, rhododendrons, and giant magnolias on the bluffs of the San Jacinto River, seven hundred or more Texans, under Sam Houston, had gathered. Before them was a force of twelve hundred men under Santa Anna, and other troops of the Mexican Dictator were hastening to reinforce him. When they

[1] *History of Texas:* H. Yoakum, II, 98–100; *The United States and Mexico,* 1821–1848: George Lockhart Rives, I, 332–5. The day was Palm Sunday, 1836.

should arrive the assault would be ordered and another Alamo and another Goliad added to Santa Anna's reeking laurels. But at three o'clock on a fragrant, sunny afternoon, there sounded from the trees and flowering bushes that hid Houston's men the notes of a single fife, playing 'Will you come to the bower I have shaded for you,' the Texans emerged in a long line, and, shouting 'Remember the Alamo!' 'Remember Goliad!' charged the enemy. The Mexicans, expecting no such promptitude and daring, making camp and cooking food, were taken by surprise. The Texans shot them as they ran. Hundreds were killed, hundreds made prisoner.[1]

Santa Anna was captured. The vengeance maddened Texans demanded his life. Houston refused. The Mexican Dictator was, at that critical and historic hour, not only supreme commander of the Mexican army, but the official and actual head of the centralized military despotism then ruling Mexico with ruthless and bloody hand. He was, in reality and in truth, the Government of Mexico. His army at hand annihilated and himself a prisoner, Santa Anna accepted the situation and signed a compact which was also signed by the President and chief officers of the Republic of Texas.

This document is vital to an understanding of the party conflict in Congress which we are about to witness and the part in it which Lincoln finally took, when he became a member of the national House of Representatives. Santa Anna agreed to withdraw all Mexican soldiers beyond the Rio Grande, and not again to invade the soil of the new-born Republic,[2] and, without intention of fulfilling his promise, in a secret agreement pledged his influence to secure an acknowledgement of the independence of Texas.

Such were the picturesque and thrilling events, lurid descriptions of which all over the United States aroused the passionate sympathy of the American people ten years before the war with Mexico broke out. Every newspaper in the country printed accounts of horror and heroism. In the Vandalia and Springfield papers Lincoln had read these chronicles of disaster and tri-

[1] Rives, I, 346–8; *Texas and the Mexican War:* Stephenson, 83–6.

[2] Yoakum, II, 155–6; Rives, I, 357–8.

umph.[1] Throughout the nation, from Boston to New Orleans, great public meetings were held, money subscribed, volunteers offered [2] in support of Americans battling to free themselves from a tyranny far heavier and infinitely more brutal and unjust than that against which the founders of the American Nation had rebelled. Sympathy for Texas was well-nigh universal, the ardor of Northern States equalling that of Southern States; only in parts of New England was there coolness and in Louisiana outspoken opposition.[3]

Here, then, were the sources of that outburst of martial feeling which Lincoln witnessed with curious and speculative eye, as he began his campaign for election to Congress. The thousands of young men whom he saw march away to distant battlefields and the thousands more who clamored to go, were not the riff-raff of cities, nor yet emotional enthusiasts. They were, as Col. Bissell described them, the best Illinois or the country had to offer.[4] That, since childhood, these young volunteers had favored Texan independence; that they sympathized with men

[1] Long narratives of what was happening in Texas were published in the capital of Illinois. *Illinois State Register*, May 6, 1836.

Revolting but accurate accounts of the Alamo were published. *Ib.*, April 22, 1836.

When the news of San Jacinto came, Vandalia was splendidly illuminated for the 'American' victory 'over the tyrant Santa Anna and his mercenary hordes.' A big meeting was held at the State House, speeches made, resolutions adopted. *Ib.*, May 27, 1836.

At Vandalia editorials and petitions from all over the country for recognition of Texan independence by the United States were printed in the *Illinois State Register*, May 27, 1836.

[2] After the Alamo, Kentucky offered more men than were wanted. J. E. Winston, *Proc. Miss. Vall. Hist. Socy.*, VIII, 165. Cincinnati contributed two four-pounders — these were the guns of San Jacinto. Stephenson, 75. Every large city in the North sent men and money. Louisiana gave $7000 and raised two companies; Georgia, two, and Mississippi and Kentucky each sent one company. Rives, I, 364.

The Texans, in their struggle 'against inhuman oppression and tyranny, . . . are entitled to our warmest sympathies, our best wishes, nay more, to our private contributions;' but no troops, no breaking of treaties. *New Orleans Commercial Bulletin*, March 31, 1836, as quoted in Winston.

[3] Winston, 168–9. Whatever backwardness was shown by Louisiana was due to commercial considerations. In New Orleans centered the larger part of the trade with Mexico which the Texan uprising endangered. On the other hand an active Texas committee in that city proved the existence of sympathy for Texas.

[4] 'They were chiefly the well taught youths of our farming communities and our quiet, moral country towns.' Bissell's speech at Belleville, on the return of his regiment, July 28, 1847. Bissell stoutly maintained that they fought for 'the rights and honor' of their country. *Belleville Advocate*, Aug. 12, 1847.

and women of their own blood, who, for a decade, had been fighting to establish and maintain a government like that of their kindred in the United States; that Texas having formally been made part of the American Republic, these youthful soldiers believed that they were upholding American rights and defending American soil; and, above all, that they were taking part, at last, in the conflict of which, as children, they had heard such glowing tales; that they were to avenge the Alamo and Goliad and repeat the glory of San Jacinto — these influences amply account for the dash and spirit of the Illinois volunteers of 1846.

So Lincoln's campaign for Congress began, continued, and was ended, while the war was new and patriotic enthusiasm ran high. Even before the call for troops, news came of battles and victories, of Palo Alto and Resaca de la Palma. As spring ripened into summer, the waiting people heard that Kearny had started on his march to Santa Fé, that American marines had occupied Monterey, California, that Taylor had advanced into Mexico itself.[1] In the Seventh Congressional District of Illinois, as elsewhere throughout the country, the only talk was of the war.

Lincoln's antagonist for Congress was Peter Cartwright, the celebrated Methodist circuit-rider, whom the Democrats had nominated as their candidate soon after the nomination of Lincoln by the Whigs. The *State Register* praised Cartwright as 'a sterling democrat and honest man . . . of upright moral character on which the breath of slander has never been blown.' [2]

While the newspapers of neither party contain any account of speeches by Cartwright or Lincoln, we know that both supported the war and made the appeals usually made by candidates for office in war time. At a great war meeting held in the State House early in June, Lincoln, Governor Ford, Dr. Merryman, and other speakers made 'warm, thrilling and effective' war speeches.[3] No faintest hint did the Whigs of the Seventh

[1] 'News from the Seat of War,' *Sangamo Journal*, May 21; 'Glorious News from the Army,' May 28; 'Letter from an Officer of the Army,' July 9, 1846, etc.

[2] *Illinois State Register*, May 29, 1846.

[3] *Sangamo Journal*, June 4, 1846.

Illinois District, or their candidate, or their newspaper organ then give that they thought the war wrongfully begun.

It is clear, too, that Lincoln and Cartwright were silent on slavery, since their views were identical. Neither believed it to be a sin, but both held it to be an evil; [1] and in Illinois the Whig and Democratic parties alike took no position whatever on the question.

As to Oregon, it is reasonably certain that during the campaign, Lincoln took the extreme Democratic expansionist position. By treaty with Great Britain, Polk had settled the controversy over the title to the immense domain called 'Oregon,' yielding to that power territory upon the retention of which by the United States his party had so militantly insisted during the Presidential contest; and, while Lincoln's campaign for Congress was going on, the Whig organ repeatedly attacked the Administration for that surrender.[2] It was a telling campaign argument, and we may be sure that Lincoln who, it cannot be repeated too often, always was of the same mind with the *Journal*, many of whose editorials he wrote, said on the stump what the newspaper said in its columns — a fact which partly explains the great numbers of Democratic voters who shifted to the Whig candidate. Moreover, in the House Douglas made a brilliant speech on expansion which the Democratic papers published four weeks before the election,[3] and an issue was thus presented which no candidate in the West would have found it wholesome to combat.

In the main, however, the contest was one of personal popularity and party organization, in both of which Lincoln had an immense advantage over the truculent, old Methodist preacher. Many Democrats thought that a minister ought not to run

[1] As late as 1856 Cartwright wrote of the anti-slavery agitation: 'This unholy warfare of crimination and recrimination has been carried on with unjustifiable violence, until we are almost brought to a civil war.' *Autobiography:* Peter Cartwright, 414.

[2] Polk no sooner became President, 'than he proposed to give away half of our territory in that quarter [Oregon].' *Sangamo Journal*, July 9, 1846.

The Whig organ declared that many Americans had gone to Oregon under the belief that the United States would maintain 54° 40′ as our boundary. *Ib.*, July 23, 1846.

[3] *Illinois State Register*, June 26, 1846. 'There is treason in impeding the march of liberty. Its course is onward.' *Ib.*, July 10.

for political office,[1] the Democratic workers were indifferent, and the organization loose and inefficient. Indeed early in the campaign, the Democratic leaders gave up the contest,[2] and that party cast only forty-two per cent of the total vote.[3]

On the other hand, Lincoln had overcome the opposition to him that sprang up after his marriage, Herndon had again brought into line the young Whigs who had not been able to go to the front,[4] the district was heavily Whig, and the discipline of that party almost perfect. Although many religious Whigs objected to Lincoln because of his reputed infidelity and his irreverent temperance speech, he was elected on August 3, 1846, by the unprecedented majority of fifteen hundred and eleven votes.[5]

The campaign ended, Lincoln resumed his ordinary routine of life, riding the circuit, mingling with the people, telling stories, sometimes writing poetry. More than once after a successful political contest he indulged in the making of verses. Lincoln did this when Hardin withdrew from the fight for the congressional nomination, and again when he had beaten Cartwright at the polls. Andrew Johnston, Whig candidate for Clerk of the House in 1839, was one of Lincoln's co-laborers in the fields of rhyme and three of his compositions, sent to Johnston, have been preserved.

Lincoln had never read Poe's 'Raven,' and when Johnston sent him a parody of that poem, in which experience with a polecat took the place of Poe's melancholy conversation with the dismal bird, Lincoln admitted his ignorance of the original, but declared that there was 'enough in the polecat, self-considered, to afford one several hearty laughs.' Certain stanzas he found 'decidedly funny, particularly where Jeremiah "scrubbed and

[1] Herndon, II, 273.

[2] Statement of Turner R. King to Herndon, no date. Weik MSS. Lincoln afterward had King appointed Register of the Land Office at Springfield.

[3] *Illinois Election Returns:* Pease, 159.

[4] Herndon was exceedingly active for his partner in this campaign. Herndon, II, 273.

[5] *Ib.*; Pease, 159. Three years earlier, Aug. 7, 1843, Hardin's majority was only 873, and the following year, Aug. 5, 1844, Baker won by but 710 votes. *Ib.*, 141, 148. In Douglas's district the result of the election in 1846 was almost exactly the reverse of that in Lincoln's district — Douglas won by 2765. *Ib.*, 157.

washed, and prayed and fasted."' Lincoln had sent Johnston a poem, undoubtedly Knox's doleful and commonplace observations on 'Mortality,' better known by its first line and dominant query, 'Oh why should the spirit of mortal be proud?'

Johnston asked who wrote the poem, intimating that Lincoln was the author. No, said Lincoln, he was not. 'I would give all I am worth, and go in debt, to be able to write so fine a piece as I think that is. Neither do I know who is the author. I met it in a straggling form in a newspaper last summer [1845], and I remember to have seen it once before, about fifteen years ago, and this is all I know about it.' Such is Lincoln's account of his acquaintance with the rhyme on resignation in which his thought and feeling were so perfectly expressed that he recited it more frequently than all else combined.[1]

He sent Johnston a poem of his own, inspired by his trip to Gentryville, Indiana, in the Clay campaign. It consists of ten verses on the ancient topics of death, decay, and the comforts of memory; and it was only one of four cantos. Perhaps the best of the verses in this canto, is:

'Oh Memory! thou midway world
'Twixt earth and paradise,
Where things decayed and loved ones lost
In dreamy shadows rise.' [2]

Fortunately, the remaining cantos of this production appear to have been lost.

Soon after his election to Congress, Lincoln again sent Johnston a poem, also the sorry fruit of his campaign visit to Spencer County, Indiana. It relates the paroxysms of madness with which Matthew Gentry, a schoolmate of Lincoln, was seized when a youth, his furious struggles, his lapse into harmless insanity, his crooning of a crazed and mournful song, his imbecile age. By far the most meritorious of these eleven verses on mental dissolution is the last:

'Oh death! thou awe-inspiring prince
That keepst the world in fear,

[1] A copy of 'Mortality' in Lincoln's writing is in the Barrett Collection.
[2] Lincoln to Johnston, April 18, 1846. *Works*, I, 288–92.

Why dost thou tear more blest ones hence,
And leave him lingering here?' [1]

Lincoln intimated that he would send Johnston another product of his poetic pen entitled, 'A Bear Hunt,' and in due course he did so. It contains twenty-two verses, describing in minute detail the pursuit, by men and dogs, of a bear which had killed a hog — a common but lively incident in the Indiana wilderness when Lincoln lived on Pigeon Creek. Typical of all and better than most of the verses are the opening lines:

'A wild bear chase didst never see?
Then hast thou lived in vain —
Thy richest bump of glorious glee
Liest desert in thy brain.

When first my father settled here,
'Twas then the frontier line;
The panther's scream filled night with fear
And bears preyed on the swine.' [2]

Lincoln was thirty-seven years old when he wrote these 'poems.' Nearly twenty years were to elapse before he produced the Second Inaugural.

After months of mutual silence, Lincoln bethought himself of Speed and wrote his old friend. 'Being elected to Congress, though I am very grateful to our friends for having done it, has not pleased me as much as I expected,' he confessed. It had not, indeed. More than a year was still to elapse before he could take his seat and control patronage; and there were few offices to be distributed among many claimants. Lincoln told Speed about the birth of his second son now eight months old,[3] and also made interesting comment on his first born: 'He is very much such a

[1] Lincoln to Johnston, Sept. 6, 1846. *Works*, 294–7.

[2] *Atlantic Monthly*, cxxxv, 277–9. MS. in J. P. Morgan Library, New York, and letters of Andrew Johnston to Thomas H. Wynne, August 11, 1869, and R. A. Brock to the New York Co-operative Society, March 28, 1905, and to George S. Hellman, Nov. 7, 1905, in support of the genuineness of the MS.

[3] Lincoln to Speed, Oct. 22, 1846. *Works*, I, 297–8.

This child was born March 10, 1846, and christened Edward Baker, after the Congressman. Again Speed was left without the hoped for 'namesake' in Springfield; but he had been in Kentucky for six years and Baker was at hand.

child as Bob was at his age, rather of a longer order. Bob is "short and low," and I expect always will be. He talks very plainly — almost as plainly as anybody. He is quite smart enough. I sometimes fear that he is one of the little rare-ripe sort that are smarter at about five than ever after.'

So the months wore away, the autumn and winter of 1846, and the following spring and early summer. But one unwelcome incident marred Lincoln's contentment: on December 14, the Legislature elected Douglas, then thirty-three years old, a Senator of the United States.[1] Early in July, 1847, Lincoln made his first visit to Chicago.[2] He wore a 'short-waisted, thin swallow-tail coat; a short vest of same material; thin pantaloons, scarcely coming down to his ankles; a straw hat; and a pair of brogans with woolen socks.'[3] He went by the regular stage through the boundless prairies. For four or five miles before the city was reached, the roads were filled by an endless procession of great wagons laden with wheat, each drawn by two yoke of oxen.[4] Sixteen thousand people then lived in Chicago and the bustle of the infant city gave promise of its future dominance.

On July 5, 1847, twenty thousand men from Illinois and other states had assembled there.[5] They had come to attend the great River and Harbor Convention called to protest against President Polk's veto of a bill making appropriation for rivers and harbors,[6] and to strengthen the cause of internal improvements by the national government. It was, said Horace Greeley, the largest meeting that ever had gathered in America. The

[1] *House Journal*, Sess. 1846–7, 37. Douglas had made a remarkably brilliant record in the House and his elevation to the Senate marked him as the undisputed leader of his party in Illinois.

[2] *Chicago Daily Journal*, July 6, 1847, as quoted in Fergus Hist. Series No. 18, *Chicago River and Harbor Convention*, 138.

[3] E. B. Washburne in *Reminiscences of Abraham Lincoln*, ed. by Allen Thorndike Rice, 16.

[4] Thurlow Weed in *Albany Journal*, July 14, 1847, Fergus Hist. Series No. 18, 153–4.

[5] Greeley's report in New York *Tribune*, July 17, 1847. *Ib.*, 139. All statements in the text concerning this convention are from the official proceedings and newspaper accounts assembled by Mr. Fergus in his *Chicago River and Harbor Convention*, Fergus Historical Series No. 18. This compilation presents a full and minute account of the origin and proceedings of the convention, as well as all letters and newspaper reports.

[6] Polk's Message, Aug. 3, 1846. *Messages:* Richardson, IV, 460–6.

Eastern men were overwhelmed by the 'vastness of the West,' its 'grandeur,' and the 'ultimate destiny of this continent.' Three or four States each sent over two hundred delegates. Northern Illinois attended 'en masse.' The hotels overflowed and the visitors were lodged in private residences. Great numbers slept and ate on the big steamboats that brought them to Chicago, each of which had quarters for several hundred. Thousands were delegates and nearly all were Whigs. Lincoln was one of three delegates from Sangamon County.

The larger newspapers of the North and West had correspondents on the ground. Greeley himself reported the proceedings for his New York *Tribune*. So did Thurlow Weed, the most adroit politician of his time, for his paper, the *Albany Evening Journal*. Both were delegates to the Convention; and it is to the vivid accounts which these two trained journalists sent to their papers that we are indebted for much of our knowledge of that assemblage, for no stenographers were present.

Before the Convention formally met, a big parade marched through the streets. Despite intense heat, the delegates were in line, those of each State wearing badges of a distinct color or combination of colors. Cannon roared, drums rolled, bands played, flags waved. Military companies, cavalry, artillery, marines, gave brilliancy and spirit to the procession. Chicago's fire department made a prodigious impression. Greeley and Weed were particularly enthusiastic about it. The demonstration was 'a noble, a soul-inspiring spectacle . . . such as the West has never before beheld,' declared the Chicago *Daily Journal*.[1] It was, wrote Greeley, 'truly magnificent.'

On the appointed hour, the Convention assembled beneath a great tent in a public square. Men of national reputation were there. Letters to the Convention from numbers of the leading statesmen of the country were read to the vast throng. Those of Webster and Benton were long and able. Senator Thomas Corwin of Ohio, 'fairly lifted from his seat,' spoke and was greeted with storms of cheers. Edward Bates of St. Louis, who, fourteen years later, was to become Lincoln's first Attorney General, was made chairman of the Convention and closed its proceedings

[1] July 6, 1847.

with a speech of surprising eloquence. Schuyler Colfax of Indiana was one of the secretaries.

David Dudley Field of New York mildly criticised one enthusiastic resolution as too broad, and Lincoln answered in some brief remarks to which nobody seems to have paid much attention. Weed and correspondents of other papers said nothing at all about it, while Greeley merely observed that: 'Hon. Abraham Lincoln, a tall specimen of an Illinoian, just elected to Congress from the only Whig District in the State, was called out, and spoke briefly and happily in reply to Mr. Field.' Long and well-reasoned resolutions were printed in pamphlet form and sent broadcast throughout the Union. Two or three times the project of a railroad to the Pacific was urged, but passed over for the more immediate object of getting from Congress appropriations for river and harbor improvements.

In that colossal assemblage, Lincoln first realized the spirit of the North and West. For the first time in his life, also, he came into contact with the great world and saw and heard, in public assembly, some of the foremost men in the nation. Nothing was said about slavery, and only slight mention was made of the war then raging; but all were for internal improvements, and every man was intent on the need of his state or section for transportation and commerce. The Convention was wholly absorbed in economic problems. Democratic opposition to internal improvements was an important element in the defeat of that party in 1848 which we shall presently consider and which has been ascribed, almost entirely, to popular revulsion against our war with Mexico.

Of this practical effort to advance the material development of the country, Lincoln was not only an interested observer but an active participant. Moreover he heard at the Convention all the arguments for the expediency as well as the constitutionality of internal improvements as a national policy. He often had read those arguments, often had made them; but he listened to them afresh in Chicago during that first week in July, 1847, and witnessed the endorsement of them by tumultuous applause of cheering thousands, as the newspapers described it.

Meanwhile the war continued, but the ardor of Illinois showed

signs of cooling. Immediately after the Legislature convened in the winter of 1846–47, stirring resolutions in support of the war were passed by the House without roll-call, apparently by a unanimous vote.[1] Some of the Whigs, however, could not stomach the preamble which asserted that Mexico had begun the war; and thirty-one of them voted against it.[2] But tidings from the front of American advance were unbroken. In March, 1847, the news arrived of the battle of Buena Vista, the desperate fighting, the heavy mortality, the heroic stand of the Mississippi Rifles, commanded by one Jefferson Davis, against a seemingly irresistible charge of masses of Mexican cavalry,[3] the fall of Hardin, instantly killed while withstanding the last desperate onslaught of the Mexican reserves, the reports of the cool and sagacious intrepidity of the Illinois officer.[4]

By July, 1847, the Illinois troops, their terms of enlistment having expired, were returning to their homes after a year of hard marching, hard living, and hard fighting. They met a tumultuous greeting — meetings, bands, speeches, the huzzas of great crowds, the glad welcome of relatives and friends. On July 4, five thousand people gathered at Springfield to cele-

[1] The resolutions declared that the national administration was right in sending American troops 'into our territory on the Rio Grande, when the intolerable braggadocio of the insolent Mexicans, and their concentration of forces for the invasion of our soil, rendered a war inevitable;' the strength of our government had been demonstrated by 'the rush of volunteers from every portion of our extended territory; . . . the noble sons of Illinois "had" hurried in crowds to enlist,' and would continue to do so without complaint, 'unless they may complain as they have already done, that many of them are left behind.' *House Journal*, 1st Sess., 1846–7, 25–7.

[2] *Ib.*, 28. The preamble declared that the war had 'been brought on by the most unparalleled system of insult and aggression' by Mexico; that Mexico had refused to discuss the boundary dispute; and that she had wrongfully 'entered our territory and murdered our citizens,' etc., etc. *Ib.*, 25. After having voted for the resolutions which made 'substantially the same statements, it was somewhat' inept for the obstinate Whigs to oppose the preamble — a false move for which they were to pay heavily thereafter.

Two other war resolutions were passed by the House at this session, both urging the Illinois delegation to provide for the money and men requested by the President. *Ib.*, 275.

[3] Davis married a daughter of General Taylor. He was highly praised for refusing to be a candidate for Governor of Mississippi, or for any other office, so long as he was in the military service. *Illinois State Register*, May 14, 1847.

[4] Moses, I, 496. The Democratic organ paid tribute to Hardin's worth. 'Beloved by all who knew him, and without a personal enemy on earth, his fate will cast a gloom, not only over this whole State but throughout the nation.' *Illinois State Register*, April 2, 1847.

brate the day and receive the young veterans.[1] When Bissell's regiment arrived in Belleville, it was met by 'a vast concourse of people.' There was 'martial music, firing of cannon, burning eloquence . . . and tears of gratitude.' [2]

Hardin's men brought back with them the body of their beloved commander which was buried with military honors at Jacksonville,[3] his regimental bugles sounding taps and a squad of his soldiers firing the last salute above his grave. The Constitutional Convention of 1847, then in session at the Capitol, adjourned to attend Hardin's funeral, and for thirty days the members wore crape arm-bands in his memory.[4]

Now for the first time in Illinois hostility to the war was voiced. The pastor of the Second Presbyterian Church at Springfield, Rev. Albert Hale, was one of the clergymen who, in turn, opened with prayer the daily sessions of the Convention. He highly disapproved of the conduct of the returning veterans and in two sermons declared that the young volunteer had become 'a moral pest to society,' denouncing the war as demoralizing and unjust. Next day a resolution was offered in the Constitutional Convention rebuking the preacher and dispensing with his services. It was hastily tabled, another offered, a substitute presented.

For the moment the matter was dropped largely through the skill of a young member of remarkable ability, a war Democrat, who was to become one of the founders of the Republican party and a brilliant Union general in the Civil War, John M.

[1] *Illinois State Register*, July 9, 1847.

[2] *Belleville Advocate*, July 29, 1847.

This meeting was typical of all such assemblages in Illinois. 'Yesterday was one of the proudest days Old St. Clair [County] ever enjoyed. . . . At half past ten, thirteen salutes were fired from the grove, at which time the officers and privates of the 2nd Regiment of Illinois Volunteers, formed in procession, in the public square.' The parade included a brass band, the soldiers, 'the ladies, the Old Settlers, and then in the rear the people en masse,' and all moved under 'the Triumphal Arch' to the grove where a barbecue was given.

Judge Gustave Koerner delivered the speech of welcome and Colonels Bissell and Morrison, 'both men of rare talents . . . and brave as Cæsar,' responded. 'They come home crowned with honor, they and their regiment, and have received the warmest evidences of affection from a grateful people.'

At night the town was 'splendidly illuminated and a balloon was sent off. The streets were filled with people, promenading at a late hour.'

[3] Moses, I, 496. [4] *Constitutional Debates of 1847:* Arthur Charles Cole, xxviii.

Palmer.[1] When the preacher next appeared in the Convention, however, he was 'grossly insulted and menaced with bodily injury' and the custom of opening the sessions with prayer was discontinued, not to be resumed for several days.[2]

Hale had expressed the views of those, mostly Whigs, as yet in a small minority in Illinois, who were beginning to turn openly against the war; but the real sentiment and spirit of the State were shown when, soon afterwards, the call came for two additional regiments. Again more men responded than could be taken. Many of the soldiers who had returned reënlisted and thousands of volunteers flocked to the colors. Illinois was still for the war.

Despatches from Mexico continued to be ever more encouraging. In the autumn accounts arrived of the taking of Vera Cruz, the advance on the Mexican capital, the battle of Cerro Gordo, where Shields was shot through the lungs when charging a battery. At first the Springfield newspapers announced Shields's death,[3] but later, that, though desperately hurt, he still lived.[4] Battle succeeded battle, victory trod hot upon the heels of victory. Official reports made mention of the feats of minor officers, of the sagacity, composure, and courage of a young captain in the Regular Army, Robert E. Lee, and of a lieutenant, a certain Ulysses S. Grant. A boyish subaltern of twenty, just out of West Point, George B. McClellan, was brevetted as a

[1] Palmer offered, as a substitute to the resolutions against Hale, a resolution declaring that freedom of speech and worship were guaranteed by the national Constitution; and that this fact prevented censure of the offending clergyman. The principle was sustained by a vote of one hundred and two to nine; but Hale escaped by the narrow vote of sixty to fifty-four. *Ib.*

[2] *Constitutional Debates:* Cole, 387–9, 457–8, 519.

[3] 'The news of General Shields's death is confirmed. He received his death wound from a grape shot while gallantly leading his brigade to storm the enemy's battery.' *Sangamo Journal,* May 20, 1847.

The Democratic paper had a long editorial account of the supposed death of Shields. The grape shot went through his lungs and came out near the spine. Shields's brigade consisted of the 3rd and 4th Illinois and two Tennessee regiments. *Illinois State Register,* May 14, 1847.

Col. E. D. Baker, of the 4th Ills. Volunteers, immediately took Shields's place as commander of the brigade. The American loss at that point of the battlefield was very heavy. Baker showed great coolness and gallantry. *Sangamo Journal,* May 20, 1847; Moses, I, 498.

[4] *Illinois State Register,* May 21, 1847.

first Lieutenant for gallantry in battle and again as Captain in another desperate encounter.[1]

Lincoln rode the circuit, as usual, that fall; and at Charleston helped to try a case of historical importance. It is of especial interest since he was, at that time, Representative-elect in Congress, was soon to take his seat in the House and to cast confusing votes on the question of slavery — a subject which was then arousing fiery controversy in the National Legislature and throughout the country.

In 1843 Robert Matson of Bourbon County, Kentucky, a young, unmarried man of good family, had bought a large farm in the northeastern part of Coles County, Illinois. He cultivated this farm by slaves brought from Kentucky for that purpose. Each fall, after the crops were gathered and stored, he sent the slaves back to Kentucky, and early in the following spring, replaced them with another lot. This was done to keep within the law that slaves not permanently domiciled in the State, but merely passing through with their owner, could not acquire rights of freedom.

But Matson kept one slave, Anthony Bryant, continually on his farm to act as foreman or overseer. Thus Bryant was in law a free man. He learned to read the Bible and became an exhorter or local preacher in the Methodist Church. In the spring of 1847 Matson, as usual, brought his company of slaves from Kentucky to do the farm labor for that year. Among them was Jane, the wife of Anthony Bryant. She was a bright mulatto and was the reputed daughter of Matson's brother. Her six children accompanied her. Three of them were obviously of white paternity, one girl having blue eyes and long red hair. Only one was certainly the child of Anthony. All were slaves, like their mother, and all but one had no surnames.

Before the time for the return of the slaves to Kentucky in the autumn, Matson's housekeeper, Mary Corbin, became enraged at Jane Bryant and declared that she would have Matson

[1] *Mexican War Diary of Gen. George B. McClellan:* William Starr Myers, 4. McClellan declined the captaincy because it would make him out-rank his superior officer. The diary contains remarkably able comment, solid and practical, about the proper transportation of troops and other military problems.

instantly send the slave and her children back to Kentucky to be sold for labor on the plantations in the far South.

In terror Anthony, the husband, went to the near-by village of Oakland and told friends of the desperate situation. Gideon M. Ashmore, who kept the village inn, and a young doctor, Hiram Rutherford, heard Anthony's story, and told him to bring his wife and children that night to Ashmore's tavern. This Anthony did, arriving about midnight. Rutherford and Ashmore had quietly notified other anti-slavery men to be on hand in case of pursuit by Matson.

For several days the owner tried to induce the slaves to return. Finally he made affidavit as required by the law of Illinois and, under a writ by William Gilman, Justice of the Peace, the slaves were taken to Charleston and lodged in jail.[1] A trial lasting two days was held before Gilman, Usher F. Linder appearing for Matson and Orlando B. Ficklin for the negroes. Both lawyers had served with Lincoln in the Legislature. Gilman decided that he had no jurisdiction but that, since the negroes were in Illinois without letters of freedom, they must be turned over to the sheriff to be kept, advertised and disposed of as required by the statute.[2]

The slaves were confined in jail for nearly two months. The

[1] The affidavit, dated Aug. 17, 1847, avers that Matson brought the slaves from Kentucky to Illinois 'by the request of said negroes, or a part thereof . . . on a temporary sojourn with the intention of returning to . . . Kentucky,' but that said slaves refused to 'return to said lawful service in the said state.' Photostat of original affidavit in possession of author.

[2] This statute was a part of the famous 'Black Laws' of Illinois. It provided that no negro or mulatto should remain in the State without a lawful certificate of freedom; that even with this document, the colored person must give bond for $1,000 that he or she would not become a charge on the county 'as a poor person'; that anyone who should 'harbor' a negro without certificate of freedom and bond should be fined $500; that, if no one claimed the negro, the sheriff should advertise the fact, and sell the labor of the slave for the cost of their keep. *Acts of Illinois.* See Vol. I, p. 163, *supra.*

This order reads:

'State of Illinois, Coles County

'To the Sherrif of Coles county this is to authorise you to take charge of Jane Catharine Mary June Sally Ann and Noah Colored persons which was Brought before me on A charge of being Runway [Runaway] slaves and the propperty of Rob[er]t Matson of Bourbon county Kentucky and After hearing the Evidnc in the caus they ar adjudged as Runway Slaves. According to the Law in Relation to the Runaway Law of the State of Illinois and Safly Keep them untill discharged by A due course of Law. Given under my hand and Seal this 20 day of August 1847. WILLIAM GILMAN *J. P.*' Photostat of original in possession of author.

sheriff filed a claim against Matson for the expense of keeping the negroes. From the beginning excitement was high and as the affair proceeded feeling became dangerously heated. Matson was arrested and convicted for living with Mary Corbin as his mistress. Ashmore and Rutherford applied to the Circuit Court for the release of the slaves on a writ of *habeas corpus*. In retaliation, Matson sued Rutherford for two thousand five hundred dollars damages for having taken his slaves from him.

At this point in the tangled litigation Lincoln comes upon the scene. The time arrived for holding the Circuit Court at Charleston and Lincoln came with the Judges. The litigation had attracted wide and keen interest and Justice Wilson of the Supreme Court accompanied Justice Treat from Springfield to sit with him in the trial. Linder secured Lincoln to assist in prosecuting Matson's case against Rutherford, and Lincoln attested the bond for costs given by friends of Matson in that case.[1]

Dr. Rutherford, who knew Lincoln well, rode to the county seat to employ him in his defence. Their views on slavery were in accord, and besides his friends advised him to secure Lincoln as his lawyer.

'I found him at the tavern sitting on the veranda,' Rutherford relates, 'his chair tilted back against one of the wooden pillars entertaining the bystanders and loungers gathered about the place with one of his irresistible and highly-flavored stories. My head was full of the impending lawsuit and I found it a great test of my patience to await the end of the chapter then in process of narration. Before he could begin another I interrupted and called him aside.

'I told in detail the story of my troubles, reminded him that we had always agreed on the questions of the day, and asked him to represent me at the trial of my case in court.' But Lincoln hesitated. 'He listened attentively,' testifies Rutherford, 'as I recited the facts leading up to the controversy with Matson but I noticed that a peculiarly troubled look came over his face now and then, his eyes appeared to be fixed in the distance be-

[1] Photostat of original in possession of author.

yond me and he shook his head several times as if debating with himself some question of grave import.'

Lincoln replied 'with apparent reluctance,' that he could not defend him, 'because he had already been counseled with in Matson's interest and was therefore under professional obligations to represent the latter unless released.'

Rutherford was angry and said things to Lincoln in a 'bitter tone.' Lincoln tried 'in his plausible way to reconcile me,' narrates the doctor, who, however, would not be appeased. Some hours later Rutherford received word from Lincoln that 'he had sent for the man who had approached him in Matson's behalf [1] and if they came to no more decisive terms than at first he would probably be able to represent me.' Soon another message came from Lincoln, that 'he could now easily and consistently free himself from Matson and was therefore in a position, if I employed him, to conduct my defense.'

But it was too late. The irate young doctor would now have nothing more to do with Lincoln and, instead, employed Charles H. Constable. So Lincoln agreed to appear for Matson as associate of Linder, Matson's original attorney.[2] Ficklin represented Ashmore.

The whole litigation — Matson's suit for damages, the sheriff's claim for the cost of keeping the negroes, the freedom of the slaves — depended upon the decision of the court in the *habeas corpus* proceedings. The courtroom was crowded with spectators. Linder insisted that under the Constitution the owners of slaves 'as well as of other chattels' must be protected in the possession of their property. Ficklin said that the slaves were made free in Illinois by virtue of the Ordinance of 1787 and the Constitution of the State; but the defence relied chiefly upon the holdings of the English Courts. Curiously enough neither Ficklin nor Constable cited the decision of the State Supreme Court in which Lincoln, nearly ten years earlier, had secured the liberty of a girl who had illegally been sold as a slave.[3]

[1] Undoubtedly Linder.

[2] Constable was a native of Maryland and Ficklin of Kentucky. Both were pro-slavery men, yet, in this case, they vigorously defended the slaves and secured their freedom.

[3] This case, David Bailey *vs.* William Cromwell, was tried in the Tazewell Circuit

Lincoln argued weakly, declared hearers, that the sole question was whether the slaves were *in transitu* or were meant to remain permanently on Matson's farm. 'Mr. Lincoln was pitiably weak and half-hearted' in making his argument, recalls a friendly and apologetic listener. And one of the lawyers in the case testifies: 'I remember well how he presented his side of the case. "This then," he explained, "is the point on which the whole case turns; Were these negroes passing over and crossing the State and thus, as the law contemplates, *in transitu* or were they actually located by consent of their master? If only crossing the State that act did not free them but if located even indefinitely by the consent of their owner and master their emancipation logically followed. It is therefore of the highest importance to ascertain the true purpose and intent of Matson in placing these negroes on the Black Grove farm."' [1]

Besides Matson, only one witness, Joseph Dean, a friend of Matson's, had testified that the slave owner did not intend to keep the negroes in Illinois; and Dean, 'an ignorant, worthless fellow,' as he is branded in the narrative from which this sketch is taken, 'was easily and ruthlessly impeached.' But, said Lincoln, when Matson brought the slaves to his farm, 'he declared publicly . . . [that] the settlement was not permanent and no counter statement had ever been made publicly or privately by him.'

All thought that Lincoln's speech was fatal to his client. Seemingly Lincoln thought so too. 'I shall never forget,' relates Ficklin, 'how Lincoln winced when Constable quoted from

Court in the September term, 1839, before Judge William Thomas. A promissory note was given by Bailey for the purchase of a negro girl, sold by Cromwell to Bailey, and represented, at the time of purchase, to be a slave and servant. Cromwell was to produce the necessary papers and indenture proving the girl a slave, bound to servitude under the laws of Illinois, but the papers were never produced. The girl asserted her freedom and remained with Bailey only some six months. Suit was brought on the promissory note. The lower court decided against Bailey and the case was carried to the Supreme Court, Lincoln representing Bailey, and Logan the administrators of Cromwell's estate. It was argued in the July term, 1841.

Judge Breese wrote the opinion of the Court which stated that the 'girl being free, and asserting her freedom in the only modes she could . . . could not be the subject of a sale, and no right to her services would pass by such sale.' The note, therefore, was illegal and no recovery could be had upon it. 3 Scammon Ill. Repts., 71–3.

[1] The name of the region where Matson's farm was situated.

Curran's defense of Rowan.[1] . . . Even Linder's trenchant wit and fervid eloquence — and no man more completely moved others by his language than Usher F. Linder — failed to keep the court from drifting around to [our] position. Our triumph was complete.'

The slaves were released and the court ordered 'that they shall be and remain free and discharged from all servitude whatever to any person or persons from henceforward and forever.' Rutherford says that on Saturday night, when the decision was announced, Matson hurriedly left the State for Kentucky, crossed the Wabash, evaded his creditors and never paid Lincoln his fee. Next morning 'after a wholesome breakfast,' Lincoln unconcernedly threw his saddle-bags across the back of 'his old gray mare,' and rode on to the next county seat where court was to be held.[2]

[1] In his narrative Ficklin here quotes this celebrated passage:

"'I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from, the British soil; which proclaims, even to the stranger and the sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy, and consecrated by the genius of universal emancipation. No matter in what language his doom may have been pronounced, no matter what complexion, incompatible with freedom, an Indian or an African sun may have burnt upon him; no matter in what disastrous battle his liberty may have been cloven down; no matter with what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain, the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains, that burst from around him, and he stands redeemed, regenerated, and disenthralled, by the irresistible genius of universal emancipation.'" *Speeches of John Philpot Curran*, Dublin, 1868, 169.

It was from this speech of Curran that Lundy took the name of his abolition sheet — *The Genius of Universal Emancipation.*

[2] Lincoln and the Matson Negroes; A Tale of Fugitive Slave Days by Rev. John Wood, MS. Weik MSS. Ashmore raised money at Oakland and took the negroes in a wagon to the Mississippi River. He stopped at Springfield, Jacksonville, and other towns, where money was given to help the Bryants. 'Strange enough one of the donors at Springfield was Lincoln's law-partner, William H. Herndon.' At Quincy Ashmore left the negroes, who floated down the Mississippi to New Orleans. They then went to Liberia.

Obviously the American Colonization Society had taken charge of them, since the work of that organization was to assist negroes who had been freed to return to Africa.

Wood had his account of this incident soon after the trial and directly from Ashmore, Rutherford, and others, who were his personal friends. He also interviewed Ficklin, Constable, and Lincoln, and made 'laborious search among the [court] records.' His statement is probably the most accurate. He was later chaplain of the 5th Illinois cavalry for three years.

Another account of the Matson trial was prepared by D. T. McIntyre of Mattoon, Ill. He says that Matson was heavily involved in debt and brought the slaves from

Then came the time for Lincoln to go to Washington and take his seat as Representative in Congress of the Seventh District of Illinois. Mrs. Lincoln and their son Robert, now in his sixth year, accompanied him. They went by way of St. Louis, up the Ohio on a steamboat to Pittsburgh and thence, by rail to Baltimore and Washington.[1] The station at Washington was a frail and ugly building of wood, scarcely more than a shed, at Pennsylvania Avenue and Second Street. Roughs, loafers, and idle boys gathered there in offensive crowds when the two daily trains came in from Baltimore; [2] and such an assemblage was the first thing Lincoln saw when he arrived at the Nation's capital. Even more annoying and clamorous were the many drivers of hackney-cabs, who rushed to the trains with reckless speed and loudly demanded the patronage of travellers.[3]

The Lincolns went to the boarding house of Mrs. Spriggs on Capitol Hill where Stuart, Hardin, and Baker had lived when they were in Congress. Spriggs' boarding house 'was the fourth of a row of houses known as "Carroll Row,"' which stood on the site of the present Library of Congress.[4] Mrs. Lincoln and Robert remained for perhaps three months. At the boarding house she never appeared except at meals, but the boy, who 'seemed to have his own way,' was conspicuous.[5]

Kentucky in 1845 to prevent the sale of them; that in 1847, he determined to take the Bryant family back to Kentucky; that, by accident, Anthony happened on Ashmore to whom he told his trouble; and that the trial was over the impending sale of the slaves for sheriff's charges.

According to McIntyre, the mother of Jane Bryant was a concubine and Jane's father was James Matson, an elder brother of Robert Matson. 'Jane shared the condition of her mother,' continues McIntyre; and he describes the appearance of the children as stated in the text. History of the Matson Slave Trial by D. T. McIntyre, MS. I am indebted to Mr. Donald B. Craig of Mattoon, Ill., for this MS.

A story of the Matson case appeared in the *Sunday Sun*, Mattoon, Ill., Aug. 24, 1884.

[1] A regular stage carried passengers from Springfield to St. Louis. *Sangamo Journal*, Dec. 13, 1848. The other route to Washington was by the Lakes to Buffalo, thence by rail to New York and Washington; but Mrs. Lincoln says that they did not take that route. See *infra*.

[2] *History of the National Capital:* Wilhelmus Bogart Bryan, II, 357–61.

[3] Bryan to author, May 4, 1925. There were no omnibuses, no street railway, and the hackney-cabs were the only means of public conveyance. The rates were twenty-five cents for trips of not over one and one-half miles between daybreak time and eight o'clock P.M., and fifty per cent additional after that hour; and twelve and one-half cents for every fifteen minutes that the cab was detained by a passenger. *Cong. Directory*, 1848, 54.

[4] *Personal Reminiscences:* Samuel Clagett Busey, 25–6.

[5] Busey, 28.

In 1848 the white population of Washington was a little less than thirty thousand. There were also more than eight thousand free colored persons and over two thousand slaves. Some six thousand three hundred dwellings of all kinds and a slightly larger number of families of every condition comprised the city. Georgetown, hard by, had about six thousand white men, women, and children, seven hundred and twenty-five slaves, and nearly sixteen hundred free negroes.[1]

The capital looked like 'an ill-contrived, ill-arranged, rambling, scrambling village.'[2] Its houses were far apart, with privies, pigsties, cow-sheds and geese-pens in the back yards. In alleys and streets were piles of garbage, about which pigs, geese, and cows wandered at will; they were scavengers and anybody who disturbed them was liable to a fine.[3] Wells with pumps were the only sources of water for all houses.[4] Fine dwellings and shanties stood side by side,[5] 'a strange jumble of magnificence and squalor.'[6] Only two streets in the whole city were paved, and these poorly and in part; while with one exception, the few sidewalks were of gravel and ashes, ridged in the centre.[7]

Pennsylvania Avenue was laid with big cobble-stones so unevenly placed that, to avoid intolerable jolting, carriages were seldom driven over them. When covered with snow, however, the avenue was thronged with dashing sleighs, drawn by spirited horses, and filled with gay and richly dressed people. Great throngs watched the merry display.[8] On the north side of the avenue a brick sidewalk extended from the foot of Capitol Hill for more than a mile and in good weather was the one great promenade of the city, crowded with the beauty, fashion, and celebrity of Washington when Congress was in session.[9] At

[1] *Census*, 1850.

[2] *As I Remember:* Marian Gouverneur, 170; *Washington, the Capital City:* Rufus Rockwell Wilson, II, 66.

[3] Busey, 64–5.

[4] Bryan, II, 303–5. Water from springs was piped to the Capitol, the Executive Mansion, and the Department buildings.

[5] Gouverneur, 173.

[6] Wilson, II, 66. [7] Busey, 64.

[8] *Ib.*, 91. [9] *Ib.*, 87.

other times, that thoroughfare was 'like Jerusalem the day after it was sacked by Titus.' [1]

Neither wing of the Capitol had been begun and above the central portion still rose the old wooden dome.[2] Only the front part of the present Treasury building was erected and in use, and in this structure the office of the Attorney General was also housed. The State Department occupied a two-story brick edifice on the site of the north front of the Treasury. The War and Navy Departments were in separate brick houses, each of two stories which stood near each other on the ground where the building now occupied by those Departments and the State Department stands.[3] The foundations of the Smithsonian Institution had just been laid and work on its walls was in languid progress during Lincoln's term.[4] The Department of the Interior was established while he was in Congress.[5]

Washington had held a good share of the domestic slave trade since 1802, and in 1834 a thousand slaves a year were shipped thence to the South. Coffles of slaves — gangs of negroes in chains — were a common sight in the streets and the repulsive spectacle furnished the Abolitionists with some of their most telling tales of the evils of slavery. In 1854, in his address at Peoria, Lincoln speaks of the clamor of the North for the abolition of 'a peculiar species of slave trade in the District of Columbia,' a 'sort of negro livery-stable, where droves of negroes were collected, temporarily kept, and finally taken to Southern markets, precisely like droves of horses,' which had been openly maintained for fifty years in view from the windows of the Capitol.[6]

So many were the visitors during sessions of Congress that the four hotels along the avenue could scarcely find room for them. On the avenue, too, were clustered most of the shops and stores,

[1] *National Intelligencer*, Sept. 23, 1842, as quoted in Bryan, II, 275.

[2] *Indiana Historical Collections*, XI, 87–8.

[3] Bryan to author, May 4, 1925. The War building was so small that many bureaus were in private houses. *Ib.*, 39.

[4] R. R. Wilson, II, 49.

[5] *Ib.*, 68. Lincoln voted for the bill creating the Department. *House Journal*, 30th Cong. 2nd Sess., 455–6. The bill passed by a majority of thirty-four votes, seventy-eight members voting against it.

[6] *Works*, II, 202.

none extensive or richly equipped, however, since the more important shopping was done in Baltimore, which could be reached by rail in only two hours and fifteen minutes. Saloons abounded, gambling places were frequent, and all were thronged during congressional sessions.[1] Every hostelry but one, Beers' Temperance Hotel,[2] was heavily stocked with all kinds of liquors.

Liquors were served at meals in all houses as well as at hotels, however, the favorite drink of most public men being brandy or gin, without water. The principal market, just off and adjacent to Pennsylvania Avenue, midway between the Capitol and the Executive Mansion,[3] was supplied from Maryland. Provisions were brought in two-wheeled carts; and slaves, wearing patched clothes, were both drivers and vendors. Buyers attended by slaves came in high hung coaches or on horseback.[4]

The streets were not lighted, except a part of Pennsylvania Avenue which was dimly illuminated by smoky oil lamps, and this was only during sessions of Congress. Fires were extinguished by volunteer companies, the 'firemen' pulling their engines.[5] Fifteen policemen with one captain, sufficed to maintain order at night, for no police were on duty in day-time.[6] The Maryland and Virginia laws of 1802 prevailed in the District.[7] The city was notably religious, having thirty-seven church buildings belonging to eight denominations and with a seating capacity of more than twenty-five thousand;[8] but Lincoln was not a communicant, nor is mention made that he ever went to church during his term.

The national organs of the Whig and Democratic parties, the *National Intelligencer* and the *Washington Union*,[9] each with a large circulation, were published at the capital; while an

[1] *Cong. Directory*, 1848, 53. There were many shops, where 'cheap, ready-made clothing' was sold. Busey, 88–9.

[2] On the west side of 3rd Street.

[3] There were four lesser markets. [4] Busey, 92–3.

[5] Bryan, II, 295–7; Busey, 75.

[6] Bryan, II, 274. [7] Force, 28.

[8] *Census*, 1850. Of these churches, thirteen were Methodist, six Baptist, five Presbyterian, five Episcopal, four Catholic, two Lutheran, one Quaker, and one Unitarian.

[9] The editor of the *Union* was the celebrated Thomas Ritchie, founder and for many years editor of the *Richmond Enquirer*. He was over seventy years of age and was

abolition paper, the *National Era*, fiercely attacked slavery.[1] Several other papers and periodicals of less note supplied variegated tastes. A publication, *The Huntress*, was edited by a woman, Mrs. Anne Royall, whose comments on those she disliked had caused her to be fined as a 'common scold' and led John Quincy Adams to call her 'the virago-errant in enchanted armor.'[2] All told, more than eleven million copies of journals and magazines were printed annually in Washington, during the period under review.[3] When Lincoln was in Congress one mail from the West arrived every day, while there were two mails from New York, Philadelphia, and Baltimore, a well-nigh miraculous achievement, as it was then considered, of expedition and efficiency.[4]

The social life was merry, if somewhat rural. In warm weather women visited bare-headed and on foot, and everybody sat and gossiped on doorsteps and porches.[5] Capitol Hill, where Mrs. Spriggs' boarding house was situated, was occupied by residences of quiet 'church-going' people who made no pretension to fashion. There were two or three groceries, several drug stores, a shop where needles and ribbons were sold, two dram shops, and a taffy dealer 'who spat on his hands' to make his candy brittle. Boys were kept busy driving pigs and geese from the gardens.[6] The instability of Washington society impressed foreigners — a town of officials, place-hunters, and legislators from the various and differing parts of the nation. Few members of Congress were accompanied by their wives and in hotel and boarding house the absence of women was noticeable.

thought, by the younger newspaper men, to be behind the times — 'the most genteel old fogy who ever wore nankeen trousers, high shirt-collars, and broad-brimmed straw hats.' John W. Forney as quoted in R. R. Wilson, II, 41.

[1] The editor of the *National Era* was Gamaliel Bailey, Jr., a native of New Jersey. The paper was the official organ of the American and Foreign Anti-Slavery Society. Among the contributors were Theodore Parker, Bayard Taylor, Grace Greenwood, Gail Hamilton [Mary Abigail Dodge], Mrs. E. D. N. Southworth and Harriet Beecher Stowe. R. R. Wilson, II, 46. *Uncle Tom's Cabin* first appeared in its columns as a serial. The office of the *National Era* was mobbed during the first session of Congress which Lincoln attended. *Ib.*, 45.

[2] *Social Life in the Early Republic:* Anne Hollingsworth Wharton, 291–2.

[3] *Census*, 1850.

[4] *Cong. Directory*, 1848, 53.

[5] R. R. Wilson, II, 66.

[6] Busey, 83.

But the social life of the capital in the 40's had its features, and balls, parties, receptions, and outings were many. William W. Corcoran, the banker, entertained liberally, cultivating relations with the foreign diplomats, members of the Cabinet and of Congress, and making an impression by his setting. 'I have never seen such gorgeous furniture in Washington,' wrote Senator Fairfield of Maine, 'nor have I seen such a splendid dinner served up.'[1] Under Polk the levees at the White House took on an austerity that repelled — no dancing or refreshment of any kind. 'I had rather be whipped than go,' groaned Fairfield, but he went from policy and a sense of duty. Buchanan, a bachelor and Secretary of State, gave large affairs at the caterer's, gathering on one occasion as many as fifteen hundred guests.

Officials entertained rather than members of Congress. In the first session of the thirtieth Congress only five Senators occupied houses — Benton, Bright, Dix, Johnson, and Webster — and only four representatives — Adams, Dixon, McLane, and Winthrop. The others were crowded into hotels and boarding houses. Fairfield had a room about fourteen feet square, furnished after a fashion, for which he paid nine dollars a week, which was 'tolerably reasonable,' he thought.[2]

The social centres were not far from the Capitol, near C and Fourth Streets, northwest, and on Lafayette Square, in face of the White House. The dining hour was half past five or earlier, and tea was taken about seven o'clock. At the British minister's dinner was at six, notable for its servants in livery and its rich, massive service of silver. The guests remained at the table about two hours, after which strong coffee was brought. The widow of President Madison, sprightly in spite of her age, wearing her ancient dresses because of her poverty, still held receptions in her house on Lafayette Square, and Mrs. Alexander Hamilton, 'a tiny little woman,' who was very old, was still active.

Wealth had no influence whatever on the society of the capital, which was exclusive and based on manners, family, distinction, and charm. Of the young women in this social

[1] *Letters of John Fairfield:* Staples, 370. [2] *Ib.*, 311.

set, the most admired and the leader, was Adele Cutts, 'a dark-haired beauty with skin like the petals of a water-lily,' who married Douglas a few years later.[1]

The White House grounds were open to the public; and there, on the grass as well as on board gravelled walks, the élite, Senators and Representatives often among them, gathered Wednesday and Saturday afternoons to listen to concerts by the Marine Band — a custom established by the Tylers. Webster was often there and, in his swallow-tailed coat of blue broadcloth with brass buttons, figured waistcoat and frilled shirt of fine linen, was a conspicuous and attractive figure.[2]

Such in rough outline, were the city, people, and customs, when Lincoln first went to Washington; and there was little change in his life. While in Congress he sometimes joined the throng in front of the Capitol terrace when concerts were given; but he was afforded no opportunity to enter the higher social life of the capital, even if he had cared to do so. His principal diversion was bowling, for which sport there was an alley near Mrs. Spriggs' boarding house. He was a very 'awkward bowler,' but so great was his good humor and so amusing his comment and anecdotes, that a crowd of men and boys always gathered at the hour when he played.[3]

Members of Congress living in boarding houses, formed groups, each of which was called a 'mess.' With Lincoln at Mrs. Spriggs' during his first session, were nine other members of the House, all of them Whigs.[4] There were other boarders too, one of them a young doctor, Samuel Clagett Busey, whose reminiscences are the chief source of our small knowledge of Lincoln's personal life while he was in Congress. Lincoln was the best liked man in the mess, because of his good nature, his incessant stories, 'some of which were very broad,' and his conciliatory disposition. When a dispute arose at the table he would smooth

[1] Wharton, 314–5. The marriage occurred Nov. 20, 1856. Miss Cutts was Douglas's second wife. She was the daughter of J. Madison Cutts, Second Comptroller of the Treasury. Miss Cutts was the most popular woman in Washington society; and, after her marriage to Douglas, his home was thronged with visitors. Stevens, 648.

[2] Wharton, 287–8. [3] Busey, 27.

[4] Joshua R. Giddings of Ohio, Elisha Embree of Indiana, Patrick W. Tompkins of Mississippi, and the following five of Pennsylvania: John Blanchard, John Dickey, John Strohm, James Pollock, Abraham R. McIlvaine. *Cong. Directory*, 1848, 32.

it out by an anecdote that made everybody laugh and forget differences. He was always 'neatly but very plainly dressed, very simple and approachable in manner, and unpretentious,' testifies Dr. Busey, who greatly admired Lincoln for his kindness of heart, unassuming manners, wit, stories, and jokes.[1]

Lincoln was prompt and constant in his attendance on the meetings of the House.[2] He was assigned to the Committee on Post Offices and Post Roads and to that on Expenditures in the War Department[3] — fairly good places for a new member. Out of scores of votes, Lincoln missed only seven during the long and turbulent session, and those seven were on unimportant matters.[4] He made two reports from his Committee on Post Offices and Post Roads and spoke three or four times on mails, bounties, and other subjects. In making his initial effort he wrote Herndon that he was as badly scared but no more than when he spoke in court in Springfield.[5] He did things far more conspicuous, however, than offer Committee reports and make incidental comment on them. Indeed, few new members of Congress, during a first term, have been so active as Lincoln was; but he made practically no impression on anybody, and such impression as he did make was not favorable.

His seat, Number 191, one of the poorest in the chamber, was on the Whig side of the House, in the centre of the back row of the section to the left of the Speaker. In the row in front of him and four seats to the right, sat George Ashmun of Massachusetts, who, twelve years later, was to preside over the National Republican Convention that nominated Lincoln for the Presidency. Ashmun was forty-four years old, a graduate of Yale and an experienced legislator. On the same row with Ashmun, but far to the right, was the seat of Joshua R. Giddings of Ohio, Lincoln's messmate, a man of fifty-three, a violent anti-slavery man, bold, rash, and voluble.

[1] Busey, 25–7. [2] *Ib.*, 27. [3] *Cong. Directory*, 36, 39.

[4] An amendment to the Wisconsin Statehood bill (*House Journal*, 30th Cong. 1st Sess., 787–8); adjournment (*ib.*, 836–7 and 884–5, 1181–2); suspension of rules to pass resolution to adjourn (*ib.*, 844–5); tabling memorial on post road bill (*ib.*, 880–1); and an amendment to the Judiciary bill (*ib.*, 1191–3).

[5] Lincoln to Herndon, Jan. 8, 1848. *Works*, I, 325–6. On Dec. 13 he had written Herndon: 'As you are all so anxious for me to distinguish myself, I have concluded to do so before long.' *Ib.*, 317.

Directly in front of Lincoln's place but in the exact middle of the Whig part of the House, sat a frail, thin man, thirty-six years old, of brilliant talents and compelling eloquence, Alexander H. Stephens of Georgia, who was to become Vice President of the Southern Confederacy. The graduate of a small college, sincere, courageous, highly intellectual, the story of his early disadvantages and struggles appealed to Lincoln, who liked and admired Stephens more than he did any other member of the House. Near him sat his colleague, Robert Toombs, who was to become Secretary of State in the Confederate Government and a Brigadier General in the Confederate army. He was in his thirty-eighth year, a college man, robust, full faced and florid, fearless, upright, and capable.

Two seats to the left of Toombs, was the desk of Caleb B. Smith of Indiana, forty years old, an anti-slavery Whig, stern in his devotion to principle. He was to become Secretary of the Interior in Lincoln's cabinet. Behind Smith sat John G. Palfrey of Massachusetts, of the same age as Giddings, a graduate of Harvard, a Unitarian minister, Professor of Sacred Literature in his Alma Mater, and uncompromisingly against slavery.

One of the best seats in the House was that of the most conspicuous and picturesque member, former President John Quincy Adams, then in his eighty-second year but still vigorous and alert. Highly educated and accomplished, with longer and wider experience than any other man in public life, he was relentless in his opposition to the slave power and its most effective foe. Within six weeks of Lincoln's entrance into the House, Adams was to be fatally stricken in his seat. In the Speaker's chair was Robert C. Winthrop of Massachusetts, another Harvard man, a law student and follower of Daniel Webster, whom he was soon to succeed in the Senate. He was of the historic Winthrop family of New England, a man of distinguished ability, moderate, kindly, and just.

All these men were Whigs and Lincoln's fellow partisans. Far to Lincoln's left and on the back row of the Democratic side of the House sat a blond, nervous man of uncommonly youthful appearance, with precise manners and clear musical voice,

David Wilmot of Pennsylvania,[1] a 'regular' Democrat, whose name had already become well known throughout the country through the amendment he had introduced to a bill in the closing hours of the last Congress. Fifteen years later Lincoln was to appoint him a member of the Court of Claims. Two rows in front and to the left of Wilmot was the desk of a member whose appearance caught and held the eye. Six feet tall, slender and erect, with a fine head and bearded face, Robert Barnwell Rhett of South Carolina had, to an extraordinary degree, an air of breeding and distinction. He was outspoken, brilliant and passionate, singularly clear and logical;[2] and, by his dominant personality, he had already driven Calhoun into acceptance of the doctrine of extreme state rights. He had answered John Quincy Adams' threat of disunion with a counter threat more earnest. He was soon to leave the House for the Senate in succession to Calhoun, and to do more to excite the Southern States to secession than any other one man, except perhaps Yancey.

Here and there in the Departments, were men who were to be conspicuous actors in the long tragedy which events were preparing and in which Lincoln was to be the principal character. One of them, Gideon Welles of Connecticut, an energetic man of forty-eight, the editor of a newspaper in Hartford and a staunch Democrat, was Chief of the Bureau of Provisions and Clothing in the Navy Department.[3] He was to be Lincoln's Secretary of the Navy.

In the Senate were Webster, Calhoun, Cass, Benton, Douglas, Crittenden, Simon Cameron of Pennsylvania, Reverdy Johnson of Maryland, John Bell of Tennessee, Robert M. T. Hunter of Virginia, John P. Hale of New Hampshire, and David R. Atchison of Missouri. Some of these men were to take prominent parts in the events that led to the climax of Lincoln's career and of American history. And another Senator was sent to Washington by his State almost at the very time that Lincoln was making his first long speech in Congress. The Legislature

[1] *David Wilmot, Free Soiler:* Charles Buxton Going, 68.

[2] *Frank Leslie's Illustrated Newspaper*, Feb. 9, 1861.

[3] *Cong. Directory*, 1848, 22–8.

of Mississippi, by acclamation, elected Jefferson Davis to the United States Senate, amid the ringing cheers of the great throng that crowded the State House at Jackson.[1]

Such were the more notable of the Senators and of Lincoln's fellow-members of the House when, on December 6, 1847, he took the oath of a Representative in Congress. His first official act was to vote for Robert C. Winthrop for Speaker, elected on the third ballot.[2] Then came the message of President Polk. He briefly reviewed our efforts to avoid war by peaceable discussion; the Mexican refusal 'even to hear the terms of adjustment;' the beginning of hostilities by Mexico's 'striking the first blow, and shedding the blood of our citizens on our own soil;' the declaration of war by Congress; 'the rapid and brilliant successes' of the American troops; the renewed energy of our Government in prosecuting the war; the capture of the Mexican capital; the indispensability of territorial indemnity if any indemnity at all was to be required, since Mexico had no money and could not get any; the value of California, its natural place as a part of American territory, and the probability of its seizure by a foreign power if we relinquished it; the equal likelihood that, if our forces were withdrawn, without concluding a treaty of peace, Mexico itself, in order to avert anarchy, might welcome European intervention; the necessity of pushing the war with greater vigor than ever, and therefore of the authorization by Congress for the enlistment of new troops, appropriations to meet expenses already incurred and, in general, hearty support of the prosecution of the war.[3]

At once the fight against the Administration began. The assault was largely partisan, somewhat factional, and inspired by the tangled motives of opposition to territorial expansion, antagonism to slavery and its spread into new territory, resentment of Polk's opposition to internal improvements,[4] desire

[1] *Washington Union*, Jan. 22, 1848.

[2] Winthrop was the regular Whig candidate and the slavery Whigs of the South, like Stephens, Toombs, and Clingman, voted for him, as did Adams and Whigs of the North like Ashmun. Palfrey, however, did not vote for him. *House Journal*, 30th Cong. 1st Sess., 8–14.

[3] *Messages:* Richardson, IV, 533–49.

[4] On Dec. 21, John Wentworth, an anti-slavery Democrat from Chicago, offered an

for a high protective tariff, all involved in the very practical and immediate party manœuvering for the impending Presidential campaign. But the subject of loudest Whig complaint was the origin of the war; that the President had begun the conflict was the smallest of the practical motives which really inspired the opposition.

In view of the part which Lincoln took in this political mêlée and the prompt and long continued effect of his conduct upon him in Illinois, it is necessary to give a brief summary of events leading up to the Mexican War and the attitude of men and political parties in Congress toward it. Without such a review, the war resolution introduced and the war speech made by Lincoln have no meaning; nor can the revulsion of public sentiment against him in Illinois be understood or even realized. Although nobody in Washington paid any attention to what he said, the people in his own State did; and, as will appear, his 'war record' in Congress in 1848 was urged against him effectively until his campaign for the Presidency in 1860, and even in that historic contest use of it was still made.

The immediate cause of dispute between the American and Mexican governments was the conflicting boundary claims. By statute Texas asserted that the Rio Grande was her southern and western boundary,[1] but by the resolution of annexation the determination of the question was to be open to negotiation between the United States and Mexico. Texas having become a State of the Union, her soil was American soil. Mexico denied that the Rio Grande was the boundary and claimed sovereignty even over all Texas. The Mexican Government repudiated Santa Anna's recognition of Texan independence on the ground that the promise had been made under force, and openly

internal improvement resolution which was adopted by a vote of one hundred and thirty-eight ayes to fifty-four nays, Lincoln of course voting aye. *House Journal*, 30th Cong. 1st Sess. 142–3. This was the first direct rebuke of the Administration.

[1] Act, Dec. 19, 1836. At the beginning of the Texan revolution, a strong sentiment appeared in the United States that, since Texas was being 'rapidly . . . settled by our own people,' it would inevitably come into the Union, and that the Rio Grande must be made the boundary. *New York Courier*, clipped in *Richmond Enquirer*, July 17, 1835. Winston, *Proc. Miss. Vall. Hist. Socy.*, VIII, 167.

'Let its bounds be extended to the Rio Grande.' *New Orleans Bee*, March 19, 1836. *Ib.*, 168.

threatened to make war upon us if Texas was annexed to the United States. But before 1841 Great Britain, France, and the United States had recognized the Republic of Texas as a separate and independent nation.[1] When our war with Mexico broke out, Texas had been governing herself for ten years.[2] In many ways our Government had tried to appease Mexico and, in order to avert war, had 'yielded to the verge of ignominy.'[3]

Texas accepted annexation by a unanimous vote of her Congress,[4] and the President ordered a part of the small American army to the Rio Grande to protect the new State from invasion.[5] On the west side of that river was a Mexican army of six thousand regulars. The American force commanded by General Zachary Taylor, was less than half as many. In addition the Mexicans had large numbers of irregular troops. The Mexican commander peremptorily ordered Taylor to withdraw, declaring that the very presence of American soldiers on the Rio Grande was in itself the commencement of hostilities. An American reconnoitring party was attacked on the east side of the river and all were killed or captured. Thus the war began.[6]

The total strength of the regular army of the United States

[1] The United States in 1837, France in 1839, and Great Britain in 1840.

[2] In 1850, the population of Texas was 154,034 whites, 58,161 slaves and 397 free colored. Of these 43,281 had been born in the State, 92,657 were from the United States and the remainder from foreign countries. U.S. *Census*, 1850.

If these figures are reduced by one-third, we have a fair approximation of the statistics of Texas, at the beginning of the Mexican War.

[3] Channing, v, 551. [4] Rives, I, 716–7.

[5] In anticipation of Texan acceptance of annexation, and to be prepared to protect the new State, Polk had directed a moderate number of troops to a convenient station near the Mexican boundary. Of this manœuver, which then was and since has been vituperatively assailed, Channing wisely remarks: 'In view of the probability of Mexican attack on Texas while the consideration of the annexation plan was proceeding, the strengthening of the American army . . . was perfectly justifiable, if the annexation of Texas was.' Channing, 552.

[6] For a clear and highly condensed account of the Mexican War see Channing v, ch. xvii. The latest treatments of the subject are by Rives, Smith, and Stephenson. The works of Rives and Smith are thorough and exhaustive, written from sources only. They demolish the old Whig and abolition theory of the Mexican War which, until recent years, was accepted by writers — the theory that it was a war of conquest, instigated by 'the slave power,' begun and waged by a powerful and grasping nation against a small and weak country for the purpose of seizing territory to extend the domain of slavery. For a brief and interesting account see Prof. Nathaniel W. Stephenson's *Texas and the Mexican War*.

at that time was less than seven thousand five hundred officers and men, including all branches of the service.[1] The precise number of the regular army of Mexico is unknown, but it was many times greater. The Mexican Government believed that the Northern States would not support a war in defence of Texas, that we would go to war with Great Britain over Oregon, that, in any case, Mexico would have the sympathy if not the active support of European powers.[2]

Our first claim to all the territory north of the Rio Grande and from that river westward was based on the 'Louisiana Purchase.' In the treaty with Spain of 1819 by which our title to Florida was established, President Monroe relinquished all the territory in the 'Louisiana Purchase' west of the Sabine River, now forming a part of the western boundary of the State of Louisiana.[3] Soon afterwards Moses Austin, born in Connecticut but long residing in Missouri, obtained from Spain, an extensive land grant in Texas to be settled by American families. Other like grants were made and in a few years thousands of immigrants from the United States had made their homes in this fertile frontier region.

When Spain was ousted from Mexico by a successful revolution, the new government succeeded to the Spanish title. After a second revolution, in 1824, a Mexican constitution, modeled on that of the United States, was adopted. This provided for local self-government by the various Mexican States, of which Texas and Coahuila formed one, and, in pursuance of this liberal constitution, laws were passed by the Mexican Congress, inviting immigration and guaranteeing to settlers protection of their rights and privileges, but requiring them to become members of the Roman Catholic church — a requirement not wholly fulfilled by the settlers.

Under this constitution and these laws the volume of immigration from the United States to Texas greatly increased. Even John Quincy Adams, who had desired to purchase to the

[1] Records War Dept. The exact number was 7,365.

[2] Smith, 114–5.

[3] Marshall (*History of the Western Boundary of the Louisiana Purchase*, 58–9) shows that Adams, then Secretary of State, failing to be supported on Texas, sought for compensation in the Oregon country.

Rio Grande in 1819 and 1827, saw in 1832 that 'the increasing settlements in Texas were all from this country, and that the inhabitants would prefer to belong to the United States.'[1] At that time and for four years afterward, the brilliant and pugnacious old statesman had never a thought that slavery was involved in the Texan question.

Revolutions were frequent in Mexico; and, in 1829, during one brief reign, slavery was 'abolished' by forms of words, a mere gesture, since peonage, Indians who were practically held in serfdom, still existed. The chief difference between peonage and slavery was that nobody looked after and cared for the peons when they became too old to work. The Mexican politicians expected abolition to have a favorable effect in Europe, especially in England, the leading anti-slavery nation, to which country Mexico was heavily indebted. Formal and ostensible 'abolition of slavery by the Mexican Republic' was a good phrase to be used later, when abolitionism developed into a political movement in the United States. Many American settlers in Texas were from adjacent Southern States, and these immigrants had taken with them a number of slaves.[2] These Texan slave-owners protested against the formal abolition declared by the Mexican authorities and Texas was excepted from the operation of the abolition decree.

Again the Mexican Government was overthrown by a fresh revolt, led by an artillery officer at Vera Cruz, Antonio Lopez de Santa Anna, who, later, perpetrated the infamies in Texas already described. He speedily became Dictator, though retaining the title of President. Santa Anna was head of a distinctive military caste,[3] which was the only organized, coherent force in the country; and his government was an armed despotism. He abolished the liberal Constitution of 1824, and established a centralized tyranny. Resistance in one state, Zacatecas,

[1] *Memoirs:* John Quincy Adams, VIII, 465, Jan. 31, 1832.

[2] In Texas the peonage system did not exist and the only possible substitute was negro slavery. *Annexation of Texas:* Justin H. Smith, 9.

[3] The Mexican officers were also a social order, but their low morale and ignorance were marked, though they were professional military men. The privates, on the other hand, were not 'bad material,' but the cavalry and artillery were not efficient. Smith, I, 8, 10–1.

was ruthlessly crushed.[1] Deprived of every right and privilege guaranteed to them, forbidden even to maintain a militia or bear arms,[2] and thus placed at the mercy of hostile Indians, the American settlers in Texas rebelled against Santa Anna's dictatorship.

It was to subdue this rebellion against his autocracy, that Santa Anna swept into Texas in 1836 with a well equipped army six times as numerous as any which the scattered Texans could possibly gather. So came the Alamo, Goliad, and San Jacinto. So came, too, the compact by which Santa Anna agreed to withdraw all Mexican forces beyond the Rio Grande.

Up to this time nobody prominent in public life had suggested that the Texan conflict with the Mexican despot was a scheme to extend American slave territory; and, in fact, it was not. Many of the leading men of Texas and a large number of the settlers were from the Northern States; Texan immigration was a part of the great folk movement that had peopled the whole country west of the Alleghanies and beyond the Mississippi, and, even then, was sweeping across the plains to the Pacific.[3]

Benjamin Lundy, editor of the *Genius of Universal Emancipation*, had visited Texas three times to obtain a grant of land for a proposed colony. His last and successful visit was in 1835 and he returned to the United States confirmed in an opinion held by him since 1829, that the struggle for Texan independence was part of a plot against freedom by slave owners of the States, made still more infamous by a conspiracy of land speculators. It was, he said, a war of slave-holders and land grabbers against an inoffensive Mexico where slavery had been abolished. The people of Texas and of the State of Zacatecas were, he asserted, merely 'nullifiers' like those of South Carolina; and the Texan revolution was inspired by the same treasonable spirit toward the Mexican Government that had been shown by the rebels at Charleston in 1832. Moreover the Texans were, he passionately asserted, ruffians, thieves, and murderers.[4] Many

[1] Adams wrote in his diary: 'In 1833 Santa Anna broke up the federal constitution, and with the aid of his bayonets was elected President.' Adams, XI, 367, April 21, 1843.

[2] Smith, I, 47. [3] *Annexation of Texas:* Smith, 29–30.

[4] 'The *slave-holders, slave-breeders,* and *politicians* of the United States' plot to in-

Northern papers that had championed the Texan cause changed their attitude.[1]

At once the Abolitionists took up Lundy's outcry against Texas.[2] John Quincy Adams eagerly accepted Lundy's stories. Henceforth he was the ardent foe of Texas, as persistent and merciless as he was able and sincere, and Massachusetts supported him. When the new and feeble Republic asked for annexation to the United States in 1838, Adams spoke against it in the House in the morning hour every day for three weeks.[3] He even introduced a resolution that 'it would be the right and the duty of the free people of the Union to resist and annul' any treaty or act of Congress for the annexation of Texas.[4] Answering an objection to the admission of Iowa 'while Northern fanatics are pouring in petitions against the annexation . . . of the great and glorious republic of Texas,' Adams said that that glory 'consisted of having made of a land of freemen a land of slaves.'[5]

Thus began the assault in Congress and throughout the country upon the Texan struggle for independence and upon the movement for the reunion of the Texan people with their kindred in the United States. Thus, too, began the American championship of the Mexican cause as that of a wronged and helpless country despoiled of its territory by wicked, avaricious, bloodthirsty men — an assault and a championship which, as the slavery question grew more acute, had increasing effect

crease the power of the slave-holding States. The Yazoo frauds were 'child's play' compared to Texan land frauds. The men shot at Goliad were pirates. 'The marauders who are engaged in the Texas insurrection.' *The War in Texas. A Citizen of the United States:* Benj. Lundy, 9, 40, 46.

[1] For instance, the *New York Evening Post*, June 17, 18, July 1, 5, Dec. 13, 1836, as contrasted with same Nov. 6, 1835; the *National Gazette* (Philadelphia, Pa.) throughout 1835, as contrasted with the same the following year. Winston in *Proc. Miss. Vall. Hist. Socy.*, VIII, 169–71.

[2] 'Setting aside the Abolitionists there would be no opposition to the admission of Texas to the Union.' *New York Courier and Enquirer*, Dec. 29, 1836. *Proc. Miss. Vall. Hist. Soc'y.*, VIII, 172.

The *Boston Atlas* was sure that Austin meant to introduce slavery. *Ib.*, 174.

The *National Intelligencer*, which was against anything with which Jackson sympathized, declared, Aug. 13, 1836: 'The Rubicon is passed, a war entered upon without the shadow of justification . . . from the Mexican people.'

[3] June 16 to July 7, 1838. Adams, X, 20–30.

[4] *Ib.*, 20, June 15, 1838. [5] *Ib.*, 11–2, June 6, 1838.

upon public opinion and even gave direction to the writing of history.[1]

As Texan annexation became more probable, Adams looked forward to it with alarm and anguish. He saw in everything that happened, no matter how disconnected and remote, 'parts of one great system, looking to a war for conquest and plunder from Mexico.'[2] His conviction was strengthened by a letter from Calhoun, then Secretary of State, to the British Minister. Part of it was singularly inept to be penned by an experienced politician and an able man. After properly asserting that slavery in the United States was no affair of any foreign power, Calhoun argued that the 'institution' was a blessing to the slaves and to society.[3] Sometimes, however, Adams came nearer the mark. 'The appetite for Texas was from the first a Western passion,' he declared in one of his innumerable comments on the subject; but, he added 'the inflexible perseverance of rapacity of our South and West . . . to plunder and dismember' Mexico was 'under the spur of slavery.'[4] When Tyler sent the annexation treaty to the Senate, Adams writhed in despair: 'with it went the freedom of the human race,' he wrote in his diary; but he soon felt better and thought that, after all, it was no more than 'the immediate crisis of a great struggle between slavery and freedom throughout the world.'[5]

Adams' burning words accurately reflected the sentiments of anti-slavery men generally at the time Polk became President.

Then, too, the Democratic party was in power, and, as we have seen, Texan annexation was a Democratic policy, territorial expansion a Democratic doctrine. The Whig party had taken the opposite ground; and, while few in Congress had the courage to vote against the war declaration and war measures

[1] Stephenson, 109.

[2] Adams, XI, 346–7, 353, March 25, and April 4, 1843.

[3] Calhoun to Pakenham, April 18, 1844. Calhoun's *Works:* Richard K. Crallé (1855), V, 333–9. The publication of Calhoun's letter infuriated the Abolitionists and angered anti-slavery men of both political parties, and it resulted in the defeat of the treaty of annexation then pending in the Senate. Texas was afterward admitted to the Union by a joint resolution of Congress and the acceptance of the Texan Congress.

[4] Adams, XI, 348–9, 351, March 29, April 1, 1843.

[5] *Ib.*, XII, 13–4, 22, April 22, May 4, 1844.

after hostilities had begun, all were sullen and resentful.[1] This feeling had grown stronger when Congress met in the winter of 1846–47, and became stridently vocal as soon as the two Houses convened in that vituperative session.

Also a large number of Democrats had been against the admission of Texas, and they had not been mollified. To these elements of antagonism to the President, another, less conspicuous but fully as practical, must be added — the tariff. Protected manufacturers were distressed lest, through new states into which Texas could be divided and still others to be formed out of territory that might be acquired from Mexico, the South and West would be able to lower the tariff and reduce it even to a revenue basis.

Such were the incongruous forces which made common cause against the Administration when Congress met after the war had been in progress seven months. Indeed the opposition had shown its teeth when war had been declared at the preceding session. Garrett Davis of Kentucky, an aggressive Whig, asserted that hostilities had been begun, not by Mexico, but by Polk, because the Nueces River and not the Rio Grande was the true boundary between Texas and Mexico; and that when the President ordered troops to the Rio Grande he invaded Mexican soil. 'It is our own President who began this war,' said Davis amid calls for 'order,' 'order!'; but he voted for the bill which meant war.[2]

Others were not so meek. Columbus Delano of Ohio, a fighting Abolitionist though still a Whig, one of the fourteen who voted against the declaration of war, in a furious speech denounced the war as 'unholy, unrighteous, and damnable.' Up rose Douglas to whom the pleasure of answering the Whig assaults had been given, his great voice steady but charged with passion. 'Is there not treason in the heart that can feel, and poison in the breath that can utter, such sentiments against their own country, when forced to take up arms in self-

[1] On final passage only fourteen voted against the declaration of war; but on an amendment to the bill which asserted that Mexico began the war, authorized a call for 50,000 volunteers, and appropriated $10,000,000, sixty-seven Whigs voted nay. *Cong. Globe*, 29th Cong. 1st Sess., xv, 793–5, May 11, 1846.

[2] *Ib.*, 794.

defence, to repel the invasion of a brutal and perfidious foe,' he thundered in the course of one of the ablest speeches he ever made.[1]

But at the following session, 1846–47, the Whigs were bolder. Baker had hurried to Washington with despatches from the front; he was still a member of the House, and, in full uniform, he made an affecting appeal for money and men. He 'entreated' partisans to cease their 'mutual crimination and recrimination.' What mattered differences of opinion about the origin of the war? Send our soldiers 'aid, comfort, succor, and support. . . . ACTION! ACTION!! ACTION!!!' [2] Two days later he resigned as a Representative and returned to the field where glory awaited him.[3]

But in spite of Baker's dramatic appearance and passionate plea for unity in support of the war, the Whig leaders were acrimonious and defiant. 'This war is a nondescript,' shouted Robert Toombs of Georgia; 'we charge the President with usurping the war-making power . . . with seizing a country . . . which had been for centuries, and was then in the possession of the Mexicans. . . . Let us put a check upon this lust of dominion. We had territory enough, Heaven knew.' [4] Caleb B. Smith of Indiana rejoiced that the Whigs were the party opposed to the war; Polk had invaded territory 'to which we had no man-

[1] *Cong. Globe*, 29th Cong. 1st Sess., XVI, Appendix, 903–8. The Illinois Democrats were delighted with Douglas's speech. *Illinois State Register*, June 26, 1846.

In this speech Douglas had several passages with Adams who detested the youthful Representative. Of one of Douglas's early speeches in the House on an election case, Adams said in his diary: 'Douglas . . . now raved out his hour in abusive invectives. . . . His face was convulsed, his gesticulation frantic, and he lashed himself into such a heat that if his body had been made of combustible matter it would have burnt out. In the midst of his roaring, to save himself from choking, he stripped off and cast away his cravat, unbuttoned his waistcoat, and had the air and the aspect of a half-naked pugilist. And this man comes from a judicial bench, and passes for an eloquent orator!' Adams, XI, 510–1, Feb. 14, 1844.

Of an expansionist speech by Douglas, Adams said: 'Douglas . . . raved an hour about democracy and Anglophobia and universal empire.' *Ib.*, 159, Jan. 31, 1845.

[2] *Cong. Globe*, 29th Cong. 2nd Sess., XVII, 91–4, Dec. 28, 1846.

Baker's resolution was immediately adopted under suspension of the rules unanimously agreed to. It authorized the Secretary of War to deliver to commanding officers of volunteer regiments clothing for the men, etc. *Ib.*, 94.

The *Sangamo Journal* printed Baker's 'great speech' in full, Jan. 21, 1847.

[3] Baker resigned Dec. 30, 1846. Records Office, Ill. Sec. State.

[4] *Cong. Globe*, 29th Cong. 2nd Sess., XVII, Appendix, 140–3, Jan. 8, 1847.

ner of claim whatsoever,' since Texas 'never had owned one inch of territory beyond the Nueces.' [1]

With characteristic bitterness Giddings declared that our army had 'planted itself in the midst of Mexican cornfields' and 'unarmed peasants had been murdered;' our troops had slaughtered 'women, children, and helpless age, . . . stabbed unarmed Mexicans in their houses,' outraged virgins. It was a terrible speech.[2] Charles Hudson of Massachusetts, who had been a Universalist preacher, insisted that Texas had no pretence of title beyond where her authority extended; the war was for conquest 'in order to give the South a perpetual preponderance in the councils of the nation.' [3] In the Senate Thomas Corwin of Ohio reached the climax of Whig invective: Texas could not 'claim one inch beyond the spot where she exercised jurisdiction. This desolating war arose' from American invasion. 'Sir, . . . if I were a Mexican I would tell you, "Have you not room in your own country to bury your dead men? If you come into mine, we will greet you with bloody hands, and welcome you to hospitable graves."' [4]

Nor were the Whigs the only dissatisfied element; anti-slavery Democrats were scarcely less virulent. Moreover, the President's surrender to Great Britain of a large part of Oregon which in the presidential campaign the Democrats had declared we must keep, even at the hazard of war — '54–40 or fight' — had angered Northern men. They felt that they had been tricked. Those of the Northwest especially believed that the Southern politicians had outwitted them by parting with territory from which free states would be made, while acquiring Texas and an immense area where slavery would naturally and probably go. So when the President asked Congress to give him two million dollars to be used in an effort to make peace with Mexico, the Northern men took the alarm and resolved to retaliate upon the South by excluding slavery from any territory which might be acquired from Mexico.

Thus came the famous 'Wilmot Proviso,' which was a resolu-

[1] *Cong. Globe*, 29th Cong. 2nd Sess., XVII, 122–4, Jan. 6, 1847.

[2] *Ib.*, 34–6, Dec. 15, 1846.

[3] *Ib.*, Appendix, 370, Feb. 13, 1847.

[4] *Ib.*, 211–8, Feb. 11, 1847.

tion devised by a number of Representatives from Northern and Northwestern States. The authorship of this brief, historic paper is disputed;[1] but it was offered by David Wilmot of Pennsylvania as an amendment to the bill appropriating the two million dollars requested by the President in order to make peace with Mexico. The 'Proviso,' attached to the bill, asserted as a 'fundamental condition' to the acquisition of territory from Mexico, that slavery should be prohibited therein. It passed the House late Saturday night, August 8, 1846, by the standing vote of eighty-three to sixty-four, the ayes and noes not being recorded.[2] Congress was to adjourn at noon, the following Monday. In the Senate on that day, Dixon H. Lewis, of Alabama, moved to strike the Proviso from the bill; whereupon John Davis of Massachusetts took and held the floor until twelve o'clock, thus killing the two million dollar bill as well as the Proviso.[3]

So the Twenty-ninth Congress adjourned in unprecedented bitterness, both parties split into factions, the Administration rebuked and humiliated. The Whigs, however, kept the better alignment, since those from South and North alike were against Polk and the war. From the first the President had been surprised and bewildered by the Whig antagonism to the war, by the injection of slavery into the discussion of it, by the defection of members of his own party. He had not foreseen that his desire for territorial expansion would result in war; he had not wanted the war and had only done the plainest of plain duty in sending troops to protect Texas after that State entered the Union. What had slavery to do with the question of territory to be acquired from Mexico, he querulously asked of his diary.[4]

[1] The 'Bargain of 1844' as the Origin of the Wilmot Proviso: Clark E. Persinger, *Rept. Am. Hist. Assn.*, 1911, I, 189–95. Going, 117–41, where is reproduced the original MS. of the Proviso in Wilmot's writing, which is still attached to the appropriation bill, in the Library of Congress.

[2] *Cong. Globe*, 29th Cong. 1st Sess., XV, 1217.

[3] *Ib.*, 1220–1. At the next session, Wilmot promised Polk to vote for the appropriation without any slavery restriction, and agreed not to offer his proviso again. Polk's *Diary*, II, 288–90. There must have been a misunderstanding, as Wilmot re-introduced his amendment in the following session.

[4] Polk's *Diary*, II, 288–90, Dec. 23, 1846. Polk told Wilmot that he 'did not desire to extend slavery;' that in New Mexico and California 'slavery could probably never

Such in rough outline, was the political situation when Lincoln entered the Thirtieth Congress. The temper of the national Whig leaders was hotter than ever. The war had been going on for twenty months, the usual reaction had, at last, set in throughout the country,[1] and of this war-weariness, indicated by a 'sudden revulsion' of the Whig press, the Whigs took prompt advantage. 'They desire,' exclaimed the Illinois Democratic organ, 'for mere political effect, to make the whole Mexican war a farce.' [2] So from the beginning of the session the Whig leaders were on the aggressive, and Lincoln resolved to take part in the assault upon the Administration.

Up to December 22, 1847, he had said nothing publicly on Texas and had taken no stand against the war. As we have seen, he upheld it in his campaign for election to Congress; and the *Sangamo Journal*, now the *Illinois Journal*,[3] which usually ex-

exist, and the great probability was that the question would never arise in the future organization of . . . Governments in these territories.'

Again and again Polk deplored the bringing of the slavery question into the discussion of the war legislation: 'The slavery question is assuming a fearful . . . aspect. . . . It has, and can have no legitimate connection with the War with Mexico, or the terms of a peace which may be concluded with that country. It is a domestic and not a foreign question, and to connect it with the appropriations for prosecuting the war . . . must divide the country by a sectional line and lead to the worst consequences. . . . Such an agitation is not only unwise, but wicked. . . . The slavery question . . . has nothing to do with the practical business before them [Congress]. . . . I will do my duty and leave the rest to God and my country.' *Ib.*, 304–6, Jan. 4, 1847.

'A majority of one branch of Congress [House] is opposed to my administration; they have falsely charged that the war was brought on and is continued by me with a view to the conquest of Mexico.' *Ib.*, III, 348.

One of the resolutions prepared by Clay for his Lexington meeting of November, 1847, read: 'We do positively and emphatically disclaim and disavow any wish or desire on our part to acquire any foreign territory whatever for the purpose of propagating slavery, or of introducing slaves from the United States into such foreign territory.'

[1] 'The fact is, there is no enthusiasm among the people, at this time, in favor of the war. The feeling which pervaded the public mind, growing out of the splendid victories gained by our brave troops in Mexico, has almost entirely subsided. The questions which men now ask among themselves are — What is the object of this war? — How long is it to continue? — Is our country to derive any practical benefit from its prosecution?'

Even war news, 'which formerly drew multitudes of excited . . . men around the printing offices, has almost ceased of its attractions.' Farmers, especially, are listless and indifferent. 'The war is already becoming distasteful to the public mind.' *Quincy* (Ill.) *Whig*, Jan. 12, 1848.

[2] *Illinois State Register*, Nov. 12, 1847. 'It cannot now be doubted' that the people want peace. They are 'by this time well cured of their delusion.' *Rockford Forum*, March 22, 1848.

[3] Its name changed with the issue of Sept. 23, 1847.

pressed Lincoln's views, had scourged Polk for his pacific course toward Mexico. That is as far as our knowledge goes of Lincoln's opinions on the Mexican War before he came in contact with the national Whig leaders at Washington in the winter of 1847–48.

He had, indeed, before his nomination as the Whig candidate for Congress, stated his conclusions as to the annexation of Texas, and the effect of it on slavery; but he made that statement in a private letter to a friend and political supporter who was an Abolitionist or 'Liberty man.' This letter gives all the light we have upon Lincoln's views as to Texas and slavery up to the time he entered Congress.

'I never was much interested in the Texas question,' he wrote. 'I never could see much good to come of annexation, inasmuch as they were already a free republican people on our own model. On the other hand, I never could very clearly see how the annexation would augment the evil of slavery. It always seemed to me that slaves would be taken there in about equal numbers, with or without annexation. And if more *were* taken because of annexation, still there would be just so many the fewer left where they were taken from. It is possibly true to some extent, that, with annexation, some slaves may be sent to Texas and continued in slavery that otherwise might have been liberated. To whatever extent this may be true, I think annexation an evil.

'I hold it to be a paramount duty of us in the free States,' Lincoln continued, 'due to the Union of the States, and perhaps to liberty itself (paradox though it may seem), to let the slavery of the other States alone; while, on the other hand, I hold it to be equally clear that we should never knowingly lend ourselves, directly or indirectly, to prevent that slavery from dying a natural death — to find new places for it to live in, when it can not longer exist in the old.

'Of course I am not now considering what would be our duty in cases of insurrection among the slaves' — the very thing which the Southern people charged the Abolitionists with trying to incite. 'To recur to the Texas question, I understand the

Liberty men to have viewed annexation as a much greater evil than ever I did.' [1]

A little more than two weeks after he entered the House, however, Lincoln introduced resolutions which were to cause him sharp annoyance for many years to come. The preamble quoted the repeated statements of the President that the Mexicans had started the war by invading our territory and shedding 'the blood of our fellow-citizens on *our own* soil;' and the resolution requested the President to inform the House, 'whether the spot on which the blood of our citizens was shed . . . was or was not within the territory of Spain, at least . . . until the Mexican revolution; whether that spot is or is not within the territory which was wrested from Spain by the revolutionary Government of Mexico; whether that spot is or is not within a settlement of people, which settlement has existed ever since long before the Texas revolution, and until its inhabitants fled before the approach of the United States army;' whether the people of that isolated settlement had ever submitted to the authority of Texas or the United States in any way; whether those people did not 'flee from the approach of the United States army . . . *before* the blood was shed,' and whether the first bloodshed did not occur in the 'enclosure of one of the people who had thus fled from it; whether our *citizens*, whose blood was shed,' were not then officers and soldiers of our army ordered into the settlement by the President; and whether that order was not given after Taylor had 'more than once intimated to the War Department that . . . no such movement was necessary to the defence or protection of Texas.' [2]

This belligerent action of a new member hardly warm in his seat, aroused the languid curiosity of the press correspondents in Washington. One of them wrote to his paper that Lincoln's enquiries 'stick to the *spot* in Mexico, where the first blood of

[1] Lincoln to Williamson Durley, Oct. 3, 1845. *Works*, I, 275–8.

[2] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 64, Dec. 22, 1847. Also *Works*, I, 318–20. It must be remembered that Henry Clay, whom Lincoln so greatly admired, referring to the President's statement that 'war existed by the act of Mexico,' had said in a public address at Lexington, Nov. 13, 1847, 'no earthly consideration would ever have tempted or provoked him to vote for a bill with a palpable falsehood stamped upon its face.' At this time and until 1849, Clay was not in Congress.

the war was shed, with all the tightness that characterized the fabled shirt of the fabled Nissus (*sic*). Evidently there is music in that very tall Mr. Lincoln.'[1] The Democratic paper in Springfield was swift in condemnation — little did his constituents expect Lincoln to oppose the war, in which so many of them had fought and some had died.[2] But this was only a faint intimation of the storm that was soon to burst upon him.

In House and Senate the Whigs grew ever more combative. They lost no opportunity to attack the Administration and were fertile in expedients to embarrass peace negotiations. The President had asked for ten regiments; authority to raise them was provokingly delayed and, at last, confirmed grudgingly. Hudson of Massachusetts offered a resolution that our army be withdrawn 'to the east bank of the Rio Grande,' that no indemnity be claimed, that the boundary 'be established at or near the desert between the Nueces and the Rio Grande.' Forty-one of the most aggressive Whigs actually voted for Hudson's resolution; but Lincoln and the more moderate Whigs joined the Democrats in voting against it, and thus defeated it by more than three to one.[3] The national Whig organ, in a vicious editorial covering nearly an entire page, and double leaded, assailed the Administration and the war.[4]

Other obstructive Whig resolutions were presented; and when one of thanks to General Taylor (a purely partisan manœuver for the approaching presidential campaign) was offered, Ashmun took advantage of an inept Democratic amendment by proposing an addition to it, which declared that the war was 'unnecessarily and unconstitutionally begun by the President of the United States.' Ashmun's resolution was adopted by a strict party division, Lincoln voting for it, as did Stephens, Toombs,

[1] *Baltimore Patriot*, as quoted in *Rockford* (Ill.) *Forum*, Jan. 19, 1848.

[2] *Illinois State Register*, Jan. 7, 1848.

[3] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 93–4. The vote was forty-one ayes, including J. Q. Adams, Ashmun, and Giddings, to one hundred and thirty-seven nays including Lincoln, Stephens, and Toombs. *Ib.*, 94. Some days later a regular Democrat offered a resolution that the Ashmun declaration was 'untrue in fact' which was tabled by a vote of one hundred and five ayes to ninety-five nays, Lincoln voting aye. *Ib.*, 401–3.

[4] *National Intelligencer*, Jan. 16, 1848; and Feb. 5, 1848.

and all Southern Whigs.[1] 'What will these gallant heroes' from the Seventh District say when they learn that their Representative in Congress has voted that the war is 'infamous and wicked,' asked the *Illinois State Register*.[2]

In this state of the party conflict, Lincoln, the only Whig member from Illinois, rose from his seat in the back part of the House on January 12, 1848, and made the speech which was to prove his immediate political undoing. He said nothing new. Indeed Hudson, Giddings, and others had used almost the same language. Lincoln's speech was merely a restatement of the Whig position on the war, as modified by the party leaders, for the coming fight for the Presidency.

Lincoln said that he had remained 'silent' until he took his seat in the House; and that he would have continued to be silent, if the President had allowed it to be so. But Polk continually insisted that 'every silent vote given for supplies' was an endorsement of his course. In all his messages the President had insisted that 'the soil was ours,' on which the Mexicans had attacked us. That fact was vital; it was, said Lincoln, 'the very point upon which he should be justified, or condemned.'

Like a lawyer in court attacking the sufficiency of a legal document, Lincoln examined that part of Polk's message which set out the American title to territory north and east of the Rio Grande. It was, he said, 'from beginning to end the sheerest deception.' Why? Because the President had assumed that either the Nueces River or the Rio Grande was the boundary of Texas, whereas 'the boundary is somewhere between the two [rivers], and not actually at either.'

The President had said that the Rio Grande was the boundary of Louisiana when purchased from France in 1803, yet had admitted that in 1819 'we sold to Spain the whole country from the Rio Grande eastward to the Sabine.' So 'what, under heaven,' had the original boundary of the Louisiana purchase to do 'with the present boundary between us and Mexico?' When

[1] The vote was eighty-two ayes to eighty-one nays. *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 94–5, Jan. 3, 1848.

[2] Jan. 21, 1848.

a man sold his land to his neighbor, how could the line that once divided them 'still be the boundary' between them?

Suppose that Texas did claim the Rio Grande as her boundary — had 'not Mexico always claimed the contrary? So . . . there is but claim against claim,' avowed Lincoln. Suppose Texas did form 'congressional districts, counties, etc.,' extending to the Rio Grande? 'All of this is but naked claim. . . . If I should claim your land by word of mouth, that certainly would not make it mine; and if I were to claim it by a deed which I had made myself, and with which you had nothing to do, the claim would be quite the same in substance — or rather, in utter nothingness.'

What if Santa Anna did make a treaty recognizing 'the Rio Grande as the western boundary of Texas. . . . Santa Anna while a prisoner of war, a captive, could not bind Mexico by a treaty.' A treaty! Nobody had ever called it that for a decade after it was signed. Polk was the first person to call 'that little thing . . . by that big name,' and he had done so 'in his extremity . . . to wring something from it in justification of himself in connection with the Mexican war.' Lincoln vigorously assailed the Santa Anna-Texan compact. That agreement settled nothing, he said.

Here Lincoln came perilously near to pettifogging. The agreement, he asserted, provided that 'to prevent collisions' between the armies, the Texan 'army should not approach nearer than within five leagues' — of what? 'Clearly . . . of the Rio Grande.' So if that river were the Texan boundary, here was a stipulation 'that Texas shall not go within five leagues of her own boundary.' Yet it was obvious and not denied by anybody, that this part of the treaty meant that the Texan forces should approach within five leagues of the retreating Mexican army.

But what was decisive, Lincoln contended, was the extent of either Texan or American jurisdiction beyond the Nueces. On that critical point the President was vague. 'He tells us it went beyond the Nueces, but he does not tell us it went to the Rio Grande.' Merely crossing one river did not mean that you went all the way to the next. Lincoln himself exercised 'jurisdiction' over his lot in Springfield which was between the Mississippi and Wabash Rivers, but did that ownership give him jurisdic-

tion of all other land from one river to the other? Or could he annex the lot of his neighbor across the street 'by merely standing on his own side of the street and claiming it, or even sitting down and writing a deed for it?'

What was 'the true rule' for ascertaining the boundary between Texas and Mexico? 'Whatever separated the actual exercise of jurisdiction of the one from that of the other was the true boundary between them.' Since Texas occupied the western bank of the Nueces and Mexico the eastern bank of the Rio Grande 'neither river was the boundary; but the uninhabited country between the two was. The extent of our territory in that region depended . . . on revolution' alone.

Then Lincoln made a declaration of general principles which was not necessary to his special pleading and which was to be used against him when he became the supreme figure in the greatest crisis of our history. His love of the academic overcame, for a moment, his habitual caution and his devotion to the practical and the immediate.

'Any people anywhere being inclined and having the power have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right — a right which we hope and believe is to liberate the world.

'Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize and make their own of so much of the territory as they inhabit.

'More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingled with or near about them, who may oppose this movement. Such minority was precisely the case of the Tories of our own revolution.

'It is a quality of revolutions not to go by old lines or old laws; but to break up both, and make new ones.'

Thus Texas had 'revolutionized against Mexico,' and 'just so far as she carried her revolution by obtaining the actual, willing or unwilling, submission of the people, so far the country was hers, and no farther.'

To settle that point, let the President answer the questions put to him in Lincoln's resolutions — let him point out 'the spot,' on American soil where the first blood was shed. Thereupon Lincoln burst into fiery rhetoric. If the President could not or would not answer, Lincoln would be convinced of what he more than suspected already, 'that he [the President] is deeply conscious of being in the wrong; that he feels the blood of this war, like the blood of Abel, is crying to Heaven against him; that originally having some strong motive . . . to involve the two countries in a war, and trusting to escape scrutiny by fixing the public gaze upon the exceeding brightness of military glory — that attractive rainbow that arises in showers of blood — that serpent's eye that charms to destroy — he plunged into it and has swept on and on till, disappointed in his calculation of the ease with which Mexico might be subdued, he now finds himself he knows not where.

'How like the half-insane mumbling of a fever dream is the whole war part of his late message!' exclaimed Lincoln, who went on at great length to point out the President's inconsistencies. 'His mind, taxed beyond its power, is running hither and thither, like some tortured creature on a burning surface, finding no position on which it can settle down and be at ease.' And when would peace come? Polk did not say. The war had gone on for about twenty months and the President did not have 'even an imaginary conception' of when it would end. No wonder he was 'a miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than all his mental perplexity.' [1]

In less than two weeks after Lincoln made his attack on the Administration, the treaty of peace was signed and, as soon as the despatch bearer reached Washington, the President laid it before the Senate.[2]

Before news of the treaty arrived, and a week after Lincoln's

[1] *Works*, I, 327–45; *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 154–6.

[2] The treaty was signed at Guadalupe Hidalgo, Feb. 2, 1848, the messenger delivered it to the President, Feb. 19, and he transmitted it to the Senate, Feb. 22. Polk's *Diary*, III, 345; *Messages:* Richardson, IV, 573–4.

The treaty, amended in unimportant particulars, was ratified by the Senate May 30, 1848.

anti-war speech, John Jameson of Missouri, a great wag, in a political tirade in the House lashed out for an instant, at the lone Whig member from Illinois. 'Strange position before the American Congress for such a Representative,' the representative of a district which sent Hardin who fell at Buena Vista, and Baker who, 'in the bloody battle, and at Cerro Gordo commanded when the noble Shields fell with a grape [shot] through his lungs.' [1]

With this exception, no notice whatever was taken in Washington of Lincoln's speech. Neither the Whig nor Democratic papers at the capital made mention of it, except as a part of the routine report of proceedings in Congress. Lincoln's colleagues from Illinois did not speak of it in their letters to party friends about the political situation. McClernand frequently advised the editor of the Democratic paper at Springfield of developments in Congress, but he made no reference to Lincoln.[2] Neither did Winthrop, nor Ashmun, nor Giddings, nor Toombs, nor Stephens, nor any of the Whig leaders, whether from the North or the South.[3]

The correspondents of newspapers, except those of Springfield, did not give Lincoln's speech a single line or word. Most curious of all, the peevish and distraught but abnormally alert President put down nothing in his diary about Lincoln, then or thereafter — that voluminous and incredibly minute chronicle which Polk wrote every night about everything that happened from breakfast to bedtime.

But Herndon was distressed. He had taken alarm at Lincoln's vote on Ashmun's resolution and wrote Lincoln in earnest protest. 'Would you have voted what you felt and knew to be a lie? I know you would not,' said Lincoln to 'Dear William,' in reply. He took much pains to satisfy his partner — partner even more in politics than in law; for he knew that Herndon was in intimate contact with the people.[4] 'I do not mean this letter for the

[1] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 190. Jan. 18, 1848.

[2] Lanphier MSS.

[3] Existing papers of no member of Congress while Lincoln was in the House make any mention of Lincoln's speech or, indeed, of Lincoln himself, so far as the author has seen them.

[4] 'It is a fact which has been frequently remarked by the newspaper press, that

public, but for you,' he cautioned his partner. 'Yours forever, A. LINCOLN.' [1]

His anxiety to reassure Herndon was well-nigh emotional. The day after his long explanatory letter, he wrote another about a speech in the House just made by 'a little, slim, pale-faced consumptive man,' Alexander H. Stephens of Georgia. It was 'the very best speech of an hour's length I ever heard. My old withered dry eyes are full of tears yet.' Lincoln would send 'our people' copies of it.[2]

Herndon did not wait for Lincoln's letter, but again wrote that his partner was wrong in assuming that the President could not, in a defensive war, invade the enemy country. Lincoln answered sharply and at length. Why did the Constitution give to Congress exclusively the power to declare war? So that no one man could plunge the country into war, as Kings had done.[3]

In his own district the reaction against Lincoln was immediate and vociferous. The Democratic paper at Springfield promptly published his 'spot' resolutions. Little did his constituents, it stated, many of whom had 'immortalized themselves' on bloody battle-fields, expect Lincoln to oppose the war.

nearly all the Whigs who have returned from Mexico are against their party on the war question.' *Illinois State Register*, Nov. 26, 1847, commenting on the position of the *Tazewell Whig*.

[1] Lincoln to Herndon, Feb. 1, 1848. *Works*, I, 351–4.

[2] Same to same, Feb. 2, 1848. *Ib.*, 354–5. Stephens' speech was delivered Feb. 2, 1848. He was the most eloquent of the Southern Whigs and assailed the war vigorously: Polk began it; the boundary of Texas did not extend to the Rio Grande, but 'just so far as her revolution successfully extended, and no further. . . . Her limits were marked by her sword.'

National honor — 'the brightest gem in the chaplet of a nation's glory' — did not justify the making of war 'against a neighboring people to compel them to sell their country. . . . If the last funeral pile of liberty were lighted, I would mount it and expire in its flames before I would be coerced by any power, however great and strong, to sell or surrender the land of my home, the place of my nativity, and the graves of my sires!'

Honor! 'Shall it be said that American honor aims at nothing higher than land? . . . Tell it not to the world.' Such honor was 'a loathsome, beastly thing.'

Taylor, that grand old Whig, was the hero of the war. Think of Buena Vista, 'one of the greatest achievements ever won by the valor of arms,' in which so many gallant officers died, among them Hardin — 'I never knew a truer, firmer and nobler man.' Did these men give their lives for nothing but land, 'gross, vile dirt'? *Cong. Globe*, 30th Cong. 1st Sess., XIX, Appendix, 159–63.

Presumably it was at one of these passages that Lincoln wept, since the remainder of Stephens' speech was devoted to unemotional argument.

[3] Lincoln to Herndon, Feb. 15, 1848. *Works*, II, 1–3.

And what would be said by the thousand volunteers from Lincoln's district when they learned of Lincoln's conduct? An editorial under the caption 'OUT DAMNED SPOT,' said that Lincoln had made his '*début* in Congress,' by an attack on the war.[1]

The Whig paper in Springfield published Lincoln's speech and challenged the Democratic editor to publish it also — did he 'fear to have it go to his readers?' [2] The Democratic organ replied with volleys of denunciation and defiance. A Washington correspondent of a Louisville paper had heard Jameson's castigation of Lincoln in the House, and wrote a short account of it. The *Register* printed his comment:

'I think Lincoln will find that he had better remained quiet. He will . . . regret that he voted that' Illinois officers [naming them] 'fell while leading brave Illinoisans to ROBBERY AND DISHONOR . . . "IN AID OF A WAR OF RAPINE AND MURDER". . . ; that he has thrown upon the escutcheon of Illinois the stain of having sent six thousand men to Mexico "to record their infamy and shame in the blood of poor, innocent, inoffending people, whose only crime was weakness". . . ; that he has declared by his vote that the "God of Heaven has forgotten to defend the weak and innocent, and permitted the strong band of murderers and demons from hell to kill men, women, and children, and lay waste and pillage the land of the just."' [3]

Obviously Lincoln had been unrestrained while delivering his speech; and, when he came to write out his remarks for the *Congressional Globe*, had left out the violent part which so incensed the newspaper correspondent.[4]

Next the Illinois Democratic organ published a lengthy 'SPEECH Not delivered in the House of Representatives in reply to Mr. Lincoln of Illinois.' The imaginary assailant said that

[1] *Illinois State Register*, Jan. 7, 21, 28, 1848.

[2] *Illinois Journal*, Feb. 10, 1848.

[3] *Illinois State Register*, clipped in *Belleville Advocate*, March 2, 1848.

[4] The version by the newspaper correspondent resembles the language of Giddings and Corwin. The reporter's account was from memory of what he heard Lincoln say, and not from the speech as it afterward appeared in the *Globe*.

Speeches published in the Appendix of the *Cong. Globe* were always written out, either before or after delivery. Lincoln made reference to this practice in his description of Stephens' speech: 'If he writes it out anything like he delivered it,' etc. *Works*, I, 355. Often speeches as delivered differed widely from the printed version in the *Globe*.

Lincoln's attack on the President was 'imbecile and silly.' Moreover his speech was a mere rehash and a poor one. Everybody had read 'in the most obscure' Whig paper the same kind of speeches, though far abler. Doubtless many loyal men had voted for Lincoln. 'Sir, will they allow him to go unrebuked who pleads here in their name, but without their authority, the cause of the guerilla bandit [Santa Anna], that draws his weapon reeking with the blood of our assassinated countrymen?' [1]

Again the *State Register* discharged a battery, and one of the heaviest calibre. About three weeks after Lincoln made his speech in the House, Douglas rose in his place in the Senate, his desk piled with books, and with volumes on the floor about him, to defend the American cause; and, with Douglas, defence always meant attack. 'I shall state no fact for the accuracy of which I have not the most conclusive authority in the books before me,' he began; and he made the ablest argument in support of the war that had been made. Yours the iniquity, the treason, the robbery, he thundered, in denunciation of the Whig championship of Mexico.[2] Delighted with this effort of the Democratic champion, the *State Register* published Douglas's speech and dared the Whig organ to print it — the *Register* offered to publish Lincoln's speech 'in full' if the *Journal* would publish Douglas's speech 'in full.' [3] The Whig paper ignored the Democratic proposal.

In such fashion began the Democratic attack upon Lincoln in Illinois. Soon public meetings were held attended by furious partisans. At one in Morgan County resolutions were adopted in fervent support of the war and in wrathful denunciation of the 'treasonable assaults of guerillas at home; party demagogues;' slanderers of the President, defenders of the butchery at the Alamo, traducers of the heroism at San Jacinto.

[1] *Illinois State Register*, Feb. 18, 1858.

[2] *Cong. Globe*, 30th Cong. 1st Sess., XIX, Appendix, 221–7.

[3] *Illinois State Register*, Feb. 18, 1848. Some Washington correspondents were deeply impressed by Douglas's speech: it 'was a splendid affair . . . original, bold, complete.' Washington correspondent *Louisville Democrat*, clipped in *Illinois State Register*, Feb. 25, 1848.

'Mr. Douglas spoke to a crowded auditory and was listened to with profound attention.' Senator Rusk of Texas afterward declined to speak because Douglas had said all that could be said.

And Lincoln! 'His base, dastardly and treasonable assault upon President Polk,' and 'the resolutions offered by him against his own government' were infamous. Never until now had the Seventh Congressional District 'known disgrace, so black. . . . Such black odium and infamy heaped upon the living brave and illustrious dead can but excite the indignation of every true Illinoian. . . . Henceforth will this Benedict Arnold of our district be known here only as the Ranchero Spotty of one term.'

The *Register* published this frantic outburst as 'Another "spot" for Lincoln.' [1] Speedily other party meetings adopted similar 'spot resolutions.' [2] The name stuck, 'spotty Lincoln' was heard from Democratic lips throughout the State,[3] and he was frequently compared to the typical American traitor — he was, asserted the *Peoria Democratic Press* 'a second Benedict Arnold.' [4] Another influential paper declared that Lincoln's 'course in denouncing his country, has called forth a stern rebuke from many of his constituents, and will yet be more signally condemned.' [5]

Lincoln was aggrieved, irritated, depressed; but, except to Herndon, he made but one known defence of his course. The Rev. J. M. Peck delivered an oration at Belleville upon the first anniversary of the battle of Buena Vista. Peck sent to Lincoln a copy of the newspaper containing his speech which was a justification of the American cause. Lincoln wrote Peck a long explanatory letter, merely repeating the main points in his speech.[6]

In despair, Herndon wrote his partner again and again that his political career was ended.[7] Fortunate for Lincoln that he

[1] *Illinois State Register*, March 10, 1848.

[2] For example, at a Clark County meeting 'held without distinction of party': '*Resolved*, that Abe Lincoln, the author of the "Spotty" resolutions in Congress against his own country, may they be long remembered by his constituents, but may they cease to remember him, except to rebuke him — they have done much for him, but he has done nothing for them, save the stain he inflicted on their proud name of patriotism and glory, in the part they have taken in their country's cause.' *Belleville Advocate*, March 2, 1848; *Illinois State Register*, Feb. 11, 1848.

[3] *Ib.*, Feb. 25, 1848. [4] May 26, 1848.

[5] *Belleville Advocate*, March 2, 1848.

[6] Lincoln to Peck, May 21, 1848. *Works*, II, 23–6.

[7] 'In 1847–9 I saw that Lincoln would ruin himself about the Mexican war and his

had publicly announced that he would not be a candidate to succeed himself. Like Hardin, he wanted another term,[1] but Herndon's melancholy reports extinguished his hope, and he soon devoted his practised talents as a politician to help secure the nomination of Taylor for President.

Apparently Lincoln's closest associates in the House were Southern Whigs like Stephens and Toombs. Early in the session a congressional club was formed to promote the candidacy of Taylor, the popular soldier. At first this club consisted of seven members, all but two from the South and advocates of slavery, and most of those who joined afterward were also Southern men. Of this political organization, called 'The Young Indians,' Lincoln was one of the organizers.[2] With these active and resourceful party comrades he exerted himself in the advancement of the fortunes of their candidate; and we shall now accompany Lincoln through the remainder of his congressional career in which national politics was his chief concern, and witness the next discipline that Fate administered to him.

opposition to it, and . . . I tried to prevent Lincoln's destruction. I wrote to him on the subject again and again.' Herndon to Weik, Feb. 11, 1887; and Oct. 28, 1885. Weik MSS.

[1] 'He wanted to run for Congress again, but it was no use to try.' *Ib.*

[2] *Recollections of Alexander H. Stephens*, edited by Myrta Lockett Avary, 21–2. The first members of 'The Young Indians' were Stephens and Toombs of Georgia, William B. Preston, Thomas S. Flournoy, and John S. Pendleton of Virginia, Truman Smith of Connecticut, and Lincoln. Edward C. Cabell of Florida and Henry W. Hilliard of Alabama joined later. *Ib.*

CHAPTER III

NATIONAL POLITICS AND COLLAPSE

Opposition to the slave-power . . . is now for the first time the leading principle of a broad, resolute, and national organization. . . . We found now a new party. Its corner-stone is freedom, its broad, all-sustaining arches are truth, justice, and humanity. SUMNER in Free Soil Ratification Meeting in Faneuil Hall, Aug. 22, 1848.

The first and indispensable step . . . is to be united among yourselves on this great and most vital question. . . . The North will not believe that you are in earnest in opposition to your encroachments, and they will continue to follow, one after another, until the work of abolition is finished. CALHOUN, Address of the Southern Delegates in Congress, Jan., 1849.

I am in favor of leaving the people of any territory which may be hereafter acquired the right to regulate it [slavery] themselves, under the general principles of the Constitution. LINCOLN, in Congress, July 27, 1848.

WHILE gloomy letters from Herndon were arriving by well-nigh every mail and confirmation of his partner's forebodings were beginning to appear in Illinois newspapers, a tragic incident in the House took Lincoln's mind, for a brief moment, from the thought of politics. Lucien B. Chase of Tennessee offered resolutions of thanks to various general officers, among them G. J. Pillow, Franklin Pierce, and James Shields, for their gallant services in the war. The Whigs objected and fifty-four of them, including Lincoln, Toombs, and John Quincy Adams, voted against suspending the rules so that the resolution could be considered.[1] After some bickering the main question was ordered, most Whigs voting against it.[2] John Quincy Adams was the first to answer to the call of his name. 'Nay,' he replied, in an 'uncommonly emphatic tone of voice.'[3] It was the last vote he ever cast.

Soon after the roll-call, the venerable statesman sank from his seat to the floor, fatally stricken. The House hastily adjourned and the dying man was carried to the rotunda for air and then to the Speaker's room, alarmed and grieving members gathering

[1] The rules were suspended by one hundred and ten ayes to fifty-four nays. *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 300–1, Feb. 21, 1848.

[2] The vote was ninety-eight ayes to eighty-six nays, Lincoln, Stephens, and Toombs voting nay. *Ib.*, 381.

[3] *Life of John Quincy Adams:* W. H. Seward, 333.

about him.[1] There he lay for two days and died on Wednesday, February 23.[2]

Lincoln was appointed on the committee of arrangements for the funeral, consisting of thirty Representatives, one from each State, chosen without regard to party affiliations; but this large number was found to be cumbersome and delegated its authority to a sub-committee of which Lincoln was not a member.[3] On Saturday, February 26, the funeral services were conducted in the House which was draped in black; and, preceded by military companies, a band, and the chaplains of both Houses, a procession consisting of the House Committee, pall-bearers,[4] Adams' family, the Massachusetts delegation, the House, the Senate, the President and his Cabinet, the Supreme Court, the Diplomatic corps and other official bodies, marched to the Congressional Burying Ground.[5] Thus Lincoln witnessed the death-stroke of one of the preëminent men of the nation, an outstanding figure in American history.[6]

Soon after the death of Adams Lincoln cast his second vote of historical interest. On February 28, 1848, Harvey Putnam of New York offered a resolution which was, in effect, the Wilmot Proviso revived. It declared that slavery should be prohibited in any territory acquired from Mexico as the result of the war. On a motion to table this resolution Lincoln voted nay.[7] This

[1] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 381; Seward, 346–50; R. R. Wilson, II, 58–9.

[2] Seward, 336–7.

[3] Lincoln to Rev. Henry Slicer, June 1, 1848. *Uncollected Letters of Abraham Lincoln:* Gilbert A. Tracy, 30–1. Slicer wrote Lincoln complaining that he had been 'excluded' from the conduct of the funeral services. Lincoln answered that he knew nothing about it, since he was not on the sub-committee which had charge of the details.

'By an unfortunate omission, no seats were reserved for the Clergy; but as a number of them arrived, . . . they were conducted . . . to favorable positions.' *National Intelligencer*, quoted in *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 389.

[4] Calhoun, Benton, Chief Justice Taney, and Justice McLean of the Supreme Court were among the pall-bearers.

[5] *House Journal*, 30th Cong. 1st Sess., 446–7.

[6] The news of Adams' death was not published in Springfield until nine days afterward. *Sangamo Journal*, March 2; *Illinois State Register*, March 3, 1848.

Adams' body was taken to Boston accompanied by a Congressional Committee, of which John Wentworth was the representative from Illinois. *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 387.

A committee of the Legislature of Massachusetts took charge of the ceremonies at Fanueil Hall and of the burial at Quincy, Massachusetts, Adams' home. Seward, 352.

[7] It was tabled by a vote of one hundred and five ayes to ninety-three nays, all anti-

was the only time during the session that the principle of the Wilmot Proviso came directly to a vote.

Lincoln's votes on slavery in the District of Columbia are confusing. Early in the session he voted against tabling a petition of eighteen citizens of the District praying the repeal of all laws authorizing the slave trade in the District.[1] On May 29 he voted with the pro-slavery men against suspending the rules to allow a resolution to be introduced directing reports on petitions for the abolition of slavery in the District of Columbia which had been referred to various committees.[2] This curious shifting of ground we shall see repeated at the next session.

Lincoln voted for the war loan of $18,500,000, as did all members except fourteen, among whom were most of the Massachusetts delegation.[3] He also voted against tabling an army appropriation bill.[4] On a bill to raise an additional military force

slavery men, without regard to party, voting nay. *House Journal*, 30th Cong. 1st Sess., 453–4.

[1] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 60, Dec. 21, 1847. The motion to table was beaten by the deciding vote of Speaker Winthrop who voted nay, because he thought that all petitions should be given 'respectful consideration.' The House stood ninety-seven to ninety-seven.

[2] *House Journal*, 30th Cong. 1st Sess., XVIII, 839–41. May 29, 1848.

The vote was fifty-four ayes to ninety nays. The resolution introduced by Amos Tuck of New Hampshire declared that since citizens 'in great numbers,' including citizens of the District of Columbia, had memorialized Congress to abolish slavery in the District and that these petitions had been tabled, even without reading, or referred to various committees which had ignored them, such committees be directed 'to report thereon at the earliest practicable period.'

All strong anti-slavery men, including the whole Massachusetts delegation, voted to permit Tuck's resolution to be introduced, while Southern representatives of all parties, with all regular Northern Democrats and a few Northern Whigs, Lincoln among them, voted against allowing the resolution to be introduced.

This appears to have been all that was accomplished during the session on slavery in the District. On June 19, a bill was introduced to repeal that section of the act of 1801, 'and all other acts or parts of acts that in any manner interfere with, regulate, or sustain the institution of slavery in said District,' but nothing came of it. *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 352.

[3] The bill passed by a vote of one hundred and ninety-two ayes to fourteen nays. *House Journal*, 30th Cong. 1st Sess., 426–8. Six of the ten members from Massachusetts voted against it.

This loan was successfully negotiated by William W. Corcoran.

[4] *Ib.*, 1158–9.

One of these votes was curious. It was against an amendment to the Army appropriation bill providing for the payment of the expenses of Frémont and Stockton in California and for Stockton's government in that territory after taking possession. *Ib.*, 1251–2.

his votes were contradictory, against it when first presented, for it three weeks later, and, still later, against its consideration.[1] Another vote, given early in the session, is still more enigmatic. Wilmot offered a resolution for raising five million dollars annually, 'to be assessed on personal *and other* property, stocks, and money at interest,' while the war lasted and until the public debt was paid. This would have taxed the slaves of the South and financial investments in the North alike, and it was beaten by a tremendous majority, Lincoln voting against it.[2] On internal improvements and the tariff, however, Lincoln's votes are consistent and emphatic; [3] and he supported a bill which Douglas had engineered through the Senate in aid of the Illinois Central Railroad.[4] Among the petitions which Lincoln presented was one by Uriah Brown for 'further testing of his discovery of "liquid fire"' to be used in national defence.[5]

With incident and event and the routine work of the House, the months passed and time restored Lincoln's normal spirits, depressed as they had been by unhappy political news from home, by Adams' dramatic ending, by Herndon's predictions of political disaster. Mrs. Lincoln and Robert had gone to Lexington, Kentucky, on a visit to her father, and she and Lincoln often wrote to each other. In a letter to 'Dear Mary,' written April 16, he bemoans the monotonous drudgery of his office: 'In this troublesome world, we are never quite satisfied. When you were here, I thought you hindered me some in attending to business; but now, having nothing but business — no variety — it has grown exceedingly tasteless to me. I hate to sit down and direct documents, and I hate to stay in this old room by myself.

'You know I told you in last Sunday's letter [April 9], I was going to make a little speech during the week; but the week has passed away without my getting a chance to do so; and now my interest in the subject has passed away too. Your second and

[1] *House Journal*, 30th Cong. 1st Sess., 613–4, 693, 765–6. This bill did not pass. The Whigs voted against it as a party manœuver.

[2] *Ib.*, 347–8. The vote was forty-seven ayes to one hundred and thirty-nine nays, anti-slavery men like John Quincy Adams joining pro-slavery men like Robert Toombs against what, at that time, was believed to be a radical economic proposal.

[3] *Ib.*, 696–7, 983–7, 917–9.

[4] *Ib.*, 1268–71.

[5] *Ib.*, 273, Jan. 21, 1884.

third letters have been received since I wrote before. Dear Eddy thinks father is "*gone tapilo*" [capital].[1] Has any further discovery been made as to the breaking into your grand-mother's house? If I were she I would not remain there alone.'

Mrs. Lincoln had written him to get some plain stockings for Eddie, but he cannot find a pair in Washington, he tells her, although he has inquired in all the stores. In fact he has been able to discover 'only one plain pair of any sort' that he thought 'would fit "Eddy's dear little feet."'

Lincoln is anxious lest his wife offend her father by her attention to persons he disliked. 'I wish you to enjoy yourself in every possible way, but is there no danger of wounding the feelings of your good father, by being openly intimate with the Wickliff family?' While on the point of her deportment, Lincoln adds: 'All the house [seemingly Mrs. Spriggs'], or rather all with whom you were on decided good terms, send their love to you. The others say nothing.'

He is careful to tell his wife, who was economical to the point of parsimony, that his purchases for personal adornment made in her absence have not been extravagant. 'Very soon after you went away, I got what I think a very pretty set of shirt bosom studs — modest little ones, jet set in gold, only costing 50 cents a piece or 1.50 for the whole.'

Lincoln wishes she would not write his name ostentatiously on envelopes. 'Suppose you do not prefix the "Hon." to the address on your letters to me any more. I like the letters very much, but I would rather they should not have that upon them. It is not necessary as I suppose you have thought, to have them come free.'

He is glad that his wife is relieved from a persistent headache and he makes a joke about it. 'And you are entirely free from headache? That is good, considering it is the first spring you have been free from it since we were acquainted. I am afraid you will get so well and fat and young as to be wanting to marry again. Tell Louisa I want her to watch you a little for me. Get weighed and write me how much you weigh.'

A dream concerning their oldest son worried Lincoln. 'I did

[1] The word is doubtful and may have been a household word without meaning.

not get rid of the impression of that foolish dream about dear Bobby, till I got your letter written the same day. What did he and Eddy think of the little letters father sent them? Don't let the blessed little fellows forget father. Most Affectionately . . . A. LINCOLN.' [1]

On the day Lincoln wrote this letter to his wife, nearly eighty slaves all from Georgetown were taken on board the *Pearl*, Captain Edward Sayres, which had been chartered for the purpose by a militant abolitionist, Daniel Drayton. His purpose was to take the slaves to a free state. The boat was pursued and captured and the slaves put in prison together with the crew.[2] Giddings offered resolutions of inquiry, the preamble being a statement of abolition views. Instantly the House was in confusion and, on objection, the resolution was not received.[3]

Wrathful excitement reigned in the city. Was law to be broken with impunity, authority to be flouted, insurrection instigated? This was the poison-fruit of abolition preaching and practise. Down with the incendiary press which, at bottom, was responsible. Gravely alarmed, the editor of the *National Era* published a disavowal that it had been 'concerned, either directly or indirectly,' with the attempted escape of the slaves. The denial availed nothing; on two nights a mob gathered before the rickety printing office, which was saved only by the prompt action of the police and city government.[4]

In the House next day Palfrey offered a resolution of inquiry and a violent debate sprang up which raged for nearly a week. Amendments were offered and finally 'the whole subject was laid on the table,' Lincoln voting thus to dispose of it.[5] What he

[1] Lincoln to his wife, April 16, 1848. MS. Barrett Collection.

[2] *Washington:* George Alfred Townsend, 595. Drayton was heavily fined and sentenced to prison. He was pardoned, Aug. 12, 1852. Philip Barton Key, son of Francis Scott Key, author of the Star Spangled Banner, prosecuted Drayton and Sayres; and Horace Mann and James M. Carlisle, defended them. They had broken the law, but Abolitionists boldly took the ground that a bad law ought to be broken.

[3] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 641, April 18, 1848.

[4] *Recollections*, L. A. Gobright, 87–91; Bryan, II, 186–7.

[5] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 649–73, April 20–25, 1848. The vote was one hundred and thirty ayes to forty-two nays, Lincoln voting aye, as did many anti-slavery men.

Three months earlier, inspired by the alleged seizure of a colored waiter in a boarding house by three slave-traders, Giddings had offered a resolution for the repeal

thought about the affair, if anything, is unknown, for he said nothing during the debate and was silent thereafter.

Sometime during May Mrs. Lincoln answered her husband's letter. It was one of her 'peculiarities,' she said, that she could never remember the day of the month and so could not date her letters; she was so tired, however, that she knew she was writing on a Saturday night and that 'our babies are asleep.' She told Lincoln of some trivial thing, seemingly in relation to clothes for the little boys. 'It takes so many changes to do children, particularly in summer.' Mrs. Lincoln informed her husband of the news from home — 'Springfield . . . as dull as usual;' related an incident about 'Boby,' Eddie, and 'a little kitten, your hobby;' said that her step-mother was very kind, but that 'if she thought any of us, were on her hands again . . . she would be worse than ever.'

Mrs. Lincoln wrote that 'Uncle James Parker of Miss. . . . and his family' were going to Philadelphia 'to take their oldest daughter there to school,' and Mrs. Lincoln wanted to 'pack up and accompany them. You know I am so fond of sight seeing, and I did not get to New York or Boston, or travel the lake route [when the Lincolns went to Washington]. . . . How much, I wish, instead of writing, we were together this evening, I feel very sad away from you.' After some small talk, Mrs. Lincoln assured her husband that the children remembered him — 'even E— eyes brighten at the mention of your name. My love to all, Truly yours, M. L.' [1]

But Lincoln did not respond to this tender plea to let his wife come East on her longed for 'sight-seeing' expedition. The national conventions were at hand and he was engrossed in politics. At Baltimore the last of May, the Democrats nominated Lewis Cass of Michigan for President and William O. Butler of Kentucky for Vice President; and the Whigs were to hold their Convention at Philadelphia the second week in June. General

of the slave trade in the District of Columbia, or the removal of the capital to a free state. A motion to table was beaten by a vote of eighty-five ayes to eighty-six nays, Lincoln voting nay; but a second motion to table was carried by a vote of ninety-four ayes to eighty-eight nays, Lincoln again voting nay. *Ib.*, 179–80, Jan. 17, 1848.

[1] Mrs. Lincoln to Lincoln, 'Lexington, May, — '48.' MS. owned by Mrs. George McNutt, Springfield, Ill. Published in *Cleveland Plain Dealer* Feb. 11, 1924.

Zachary Taylor was preëminently the candidate of the Southern Whigs, of Toombs, and Stephens, and Crittenden; and Lincoln was as feverishly anxious as they that the military hero of the hour should be made the standard bearer of the Whig party. Indeed Stephens declared that the 'Young Indians' organized the Taylor movement which resulted in his nomination.[1] Although Lincoln's former idol, Henry Clay, was again a candidate, as were Webster and General Scott, Lincoln urged his friends in Illinois to get delegates for 'Old Rough and Ready.'[2]

Linder, then a Whig, wanted to support Taylor for President and yet sustain Polk. Lincoln thought that such an attitude was bad politics. 'In law, it is good policy to never plead what you need not, lest you oblige yourself to prove what you cannot;' so if Linder went for Taylor 'because he could take some Democrats and lose no Whigs' and also uphold Polk 'on the origin and mode of prosecuting the war,' Linder would 'still take some Democrats, but . . . lose more Whigs,' and 'in the sum of the operation . . . be the loser.' If Linder would 'look around' he would find this to be true among his own neighbors.[3] But Linder was right; like Herndon he was on the ground, and knew the public temper in Illinois at that time.

Lincoln wrote Archibald Williams, that 'Mr. Clay's chance for an election is just no chance at all. . . . We can elect nobody but General Taylor; and we cannot elect him without a nomination.'[4] In answer to an inquiry from Elihu B. Washburne, a brisk and efficient young Whig politician of Galena, Lincoln said that nobody could tell who would be nominated. However,

[1] Osborn H. Oldroyd, in *Lincoln Memorial*, 241.

'It was I . . . who made him [Taylor] President. Soon after the first battles of the war . . . I urged on the anti-War party that Taylor was our man; I got his nomination in a Whig convention in Georgia in 1847. . . . We [The Young Indians] . . . opened an extensive correspondence and put the ball in motion.' *Recollections of Alexander H. Stephens*, Avary, 21–2.

[2] Toombs thus explains the abandonment of Clay by the Southern Whigs: 'He has sold himself body and soul to the Northern Anti-slavery Whigs. . . . There are not ten Southern representatives who would not support Gen[era]l Taylor against him if he were nominated. The real truth is Clay was put up and pushed by Corwin, and McLean, Greeley & Co. to break down Taylor in the South. . . . I am a Taylor man without a second choice.' Toombs to James Thomas, Washington, D.C., April 16, 1848. *Rept. Am. Hist. Assn.*, 1911, II, 103–4.

[3] Lincoln to Linder, Feb. 20, 1848. *Works*, II, 3–4.

[4] Lincoln to Williams, April 30, 1848. *Ib.*, 17.

Washburne must 'let nothing discourage or baffle' him, but 'in spite of every difficulty . . . send us a good Taylor delegate from your circuit. Make Baker . . . help about it. He is a good hand to raise a breeze.' [1]

Thus active and vocal in presidential politics, Lincoln went to Philadelphia in early June to do what he could for Taylor at the national Whig Convention. The contest between the Clay Whigs and the Taylor men was 'bitter and fierce,' testifies Stephens.[2] Vigorously Lincoln strove to get votes for 'Old Zach,' protesting earnestly against the seating of alternates from Illinois who were Clay men.[3] Arguments that the ignorant old officer was unfit fell before the single argument that he was available. Taylor could not speak or write correctly, was a large slave-holder, had no knowledge of public business, was densely ignorant of foreign affairs; nobody knew where he stood on any question of the hour and he did not know himself. Moreover he was then and during the campaign the favorite of the big slave-holders throughout the slave belt of the South. Indeed, that circumstance was the strongest concrete factor in his support.[4]

So the 'war hero' was nominated to the outspoken disgust of many delegates. Millard Fillmore of New York was named for Vice President. Foremost leaders of the party, like Webster, were affronted and rebellious. Clay was heart-broken, his friends furious and threatening vengeance. Even practical Whig

[1] Lincoln to Washburne, April 30, 1848. *Ib.*, 16. [2] Avary, 22.

[3] 'Lisle Smith [of Chicago], too, was a Clay delegate at Philadelphia, and against my most earnest entreaties took the lead in filling two vacancies from my own district with Clay men.' Justin Butterfield of Chicago was also a Clay delegate from Illinois and 'fought for Mr. Clay against General Taylor to the bitter end,' to the disgust and anger of Lincoln. Lincoln to J. M. Lucas, April 25, 1849. *Works*, II, 114.

[4] *The Whig Party in the South:* Cole, 133. Cole goes so far as to say that Taylor's nomination was 'a southern Whig triumph.'

At the election the biggest Democratic gains in the South were in regions where slaves were in the minority; the Whigs almost held their own in the 'black belt,' although losing slightly even in those Whig strongholds. *Ib.*, 116.

Crittenden and Clayton seem to have been the principal managers of Taylor's campaign. Whig politicians reported to the Kentucky leader from all over the country. Crittenden MSS. Library of Congress.

Writing to Clayton from Frankfort, Ky., Crittenden said: 'The election of General Taylor is to be the event — the great event — of our time. If we fail in that our Government is but a wreck and we are given over to proscription. The crisis demands all our energies and all our wisdom.' The Whigs, said Crittenden, must concentrate on states which they could carry. Crittenden to Clayton, Aug. 30, 1848. *Ib.*

politicians were alarmed; but the more astute manipulators of public sentiment, like Weed and Lincoln, were delighted and confident.

The nominations of Taylor and Fillmore were made without any declaration of party principles or policies. This was too much even for the apostles of expediency, and, as an afterthought, resolutions were adopted by a Whig ratification meeting held at Philadelphia just after the Convention adjourned. These resolutions served as the Whig platform. A more shifty and evasive pronouncement never was made by a political party. 'The principles of the Constitution' were indorsed, Taylor declared a Whig 'at heart,' assurance given that his administration would be 'conducive of peace, prosperity, and union' because Taylor would 'make Washington's administration his model,' and Taylor's military career was grandiloquently lauded at great length. Not a word was said on any issue, small or great, before the country. Nobody was offended, and, by implication, everybody was promised everything.[1]

Within two weeks, the Free Soilers were to hold their Convention at Utica, New York, and it was well known that they would nominate Van Buren for President on an anti-slavery platform.[2] The Free Soilers drew their following from that faction of the

[1] *National Conventions and Platforms:* Thomas Hudson McKee, 63–5.

[2] The Convention of the Free Soil party was held at Utica, N.Y., June 22, 1848, and Van Buren was nominated for President and Henry Dodge of Wis. for Vice President. Afterwards Dodge declined, and a second and much larger Free Soil Convention was held at Buffalo, N.Y., August 9, of which Charles Francis Adams of Mass., son of John Quincy Adams, was Chairman. He was nominated for Vice President with Van Buren, who was again named for President. A little more than twelve years afterward, Lincoln appointed Adams Minister to England, where he rendered more important services to the United States than any other American diplomatic representative to the Court of St. James's ever has rendered.

The Free Soil platform asserted 'the rights of free labor against the aggressions of the slave power,' denounced the Democratic national Convention for having 'stifled the voice of a great constituency,' and the Whig national Convention for 'abandoning its distinctive principles for mere availability.' It declared against the extension of slave territory — 'let the soil of our extensive domains be kept free for the hardy pioneers' — endorsed internal improvements by the National Government, advocated cheap postage and 'free grants' of land to actual settlers.

'We inscribe upon our banner "Free Soil, Free Speech, Free Labor, and Free Men," and under it will fight on, and fight ever, until a triumphant victory shall reward our exertions.' *Ib.*, 66–9.

The Whigs rejoiced over the nomination of Van Buren because it 'split the Democrats.' *Illinois Journal*, Aug. 16, 1848.

Democrats called Barn-burners.[1] The Native Americans, forerunners of the Know-Nothing party, had not yet decided to hold a convention.[2]

Lincoln was jubilant. 'We shall have a most overwhelming, glorious triumph,' he assured Archibald Williams in answer to a letter which he found 'in a mass of others' upon his return to Washington from attending the nomination of 'Old Rough.' It was true, that 'by many, and often, it had been said that they would not abide the nomination of Taylor; [3] but since the deed has been done, they are fast falling in. . . . One unmistakable sign is that all the odds and ends are with us — Barn-burners, Native Americans, Tyler men, disappointed office-seeking Locofocos, and the Lord knows what.' [4]

That curious union of discordant groups showed 'which way the wind blows,' said Lincoln. Some 'sanguine men' thought that Taylor would carry every State but Illinois, and had set that State down as doubtful. 'Cannot something be done even in Illinois?' What admirable strategy was Taylor's nomination! It 'takes the Locos on the blind side. It turns the war thunder against them. The war is now to them the gallows of Haman, which they built for us, and on which they are doomed to be hanged themselves. Excuse this short letter. I have so many to write that I cannot devote much time to any one.' [5]

In such exultant frame of mind, the Whig members of Congress held a caucus and 'scanned the whole field of the nation in high hope and confidence' — even Illinois was not abandoned. From this rosy dream Lincoln was awakened by another 'dis-

[1] From a popular story about a farmer who proposed to burn his barn to get rid of rats which infested it.

[2] This anti-foreign and anti-Catholic group did hold a Convention in the autumn of 1847 at Philadelphia, and nominated Henry A. S. Dearborn for Vice President and 'recommended' Taylor for President. It adopted no platform. McKee, 69.

[3] Many Whig meetings of protest against Clay's defeat were held. Some of them were violent. At one in New York, June 17, where Greeley spoke, the stage was broken down and shouts arose for Clay, for Cass, and some for Taylor. The national Whig organ, in its report of this meeting said that the supporters of Clay were 'so sorely disappointed . . . that they could not very readily get over it,' but that they would gradually, come to the support of the party ticket. *National Intelligencer*, June 19, 1848.

[4] The Free Soil or Liberty party hurt the Democrats even more tnan it hurt the Whigs. Anti-slavery Democrats went over to it in great numbers.

[5] Lincoln to Williams, June 12, 1848. *Works*, II, 26–7.

couraging letter' from Herndon, who told him that in Sangamon County the Whigs had lost votes and gained none. In answer Lincoln explained that the reason for the Whig decline was that Sangamon County had an increased population and yet 'only half the sort of offices which are sought by men of the speaking sort of talent.' That was the chief cause for Whig defection, so far as Lincoln could see.

Herndon had complained that the young men could not lead; and he was right, for so close and exclusive had been the Springfield 'Whig Junto' that young Whigs had not been trained in party management. But, Lincoln replied, 'you must not wait to be brought forward by the older men. For instance, do you suppose that I should ever have got into notice if I had waited to be hunted up and pushed forward by older men?'

Lincoln gave his junior partner specific directions: 'You young men get together and form a "Rough and Ready Club," and have regular meetings and speeches. Take in everybody you can get.' Lincoln named several who would 'do to begin the thing; but as you go along gather up all the shrewd, wild boys about town, whether just of age or a little under age,' and Lincoln gave names as examples of 'hundreds such.' That was the way to do it. 'Let every one play the part he can play best — some speak, some sing, and all "holler."' Everybody would go to their meetings, and thus they would not only help to elect 'Old Zach,' but have fun and improve their minds. 'Don't fail to do this.' [1]

Herndon obeyed, though with no heart in his task. He gathered 'all the shrewd, wild boys about town,' of the kind to whom Lincoln was so partial throughout his life, organized a 'Rough and Ready Club,' [2] as he had been ordered to do, and soon the streets of Springfield rang with a rousing Whig campaign song:

> 'Come fall in, boys, eyes right and steady,
> And raise the shout for Rough and Ready,
> He licked Old Peg-leg with his Pass
> And now he'll use up Lewis Cass.

[1] Lincoln to Herndon, June 22, 1848. *Works*, II, 49–53.

[2] *Illinois Journal*, July 13, 1848. Herndon, Jayne, and Matheny spoke at the first meeting of the Club.

Chorus: 'Then go it, boys, strong and steady
And raise the shout for Rough and Ready.'[1]

But the 'shrewd, wild boys' could not enliven a Whig ratification meeting, although it was so big that the court room could not hold the crowd, and the proceedings were held in the courthouse yard. Stuart, Herndon, and J. Vincent Browne, the committee on resolutions, reported some grandiloquent language about Taylor, that 'war-worn veteran wearing the laurels of many glorious and bloody fields . . . who never surrenders.' With astonishing boldness, the resolutions asserted that 'the will of the people' ought to be 'carried out by the President.' Swallowing his wrath, Herndon agreed to an indirect attack on the war as one for 'illegal and unlawful conquest.'

Logan who had been nominated for Congress, made a solid Whig speech denouncing 'the rottenness of the convention system,' which produced platforms devised by 'a few crafty, designing wire workers,' and condemning Polk's encroachments on the Constitution in beginning the war.[2] Obviously Logan had been in correspondence with Lincoln,[3] for Lincoln made many of Logan's points in his stump speech in Congress which we shall presently review. In such spiritless fashion, the Whig campaign began in Springfield.[4] The Whig State Central Committee issued an 'Address' to the people, signed among others by Herndon, and it was as vapid and colorless as the Philadelphia resolutions, which obviously were its model.[5]

[1] *Illinois Journal*, July 6, 1848. 'Peg-leg' meant Santa Anna. Another favorite Whig campaign song in Illinois was:

'Rough and Ready is the man
That all good Whigs delight in;
He's just the sort for President,
And "a" the man for fightin!
Then raise the song, the States along
From Maine to Louisiana.
We've got the "coon" that sealed the doom
Of Polk and Santa Anna.'

Ib., July 27, 1848.

[2] *Illinois Journal*, June 29, 1848.

[3] None of the historically invaluable letters of Logan and Lincoln exist. Before his death Logan destroyed all of them. Statement of Logan Hay, Springfield, Ill., to author, Feb., 1925.

[4] A big advertisement appeared in the Democratic paper, asking all Democrats to attend this meeting and hear Logan's speech. *Illinois State Register*, June 23, 1848.

[5] *Illinois Journal*, July 27, 1848.

Herndon asked Lincoln for speeches 'about "Old Zach," the war, etc.' What a request! Lincoln was irritated, for he had sent Herndon the *Congressional Globe* and Appendix which contained all the speeches made on every subject during the session. 'Can I send any more? Can I send speeches that nobody has made?' But the Whig papers in the district had not published Whig speeches, or even so much as excerpts from them. Only two had printed his own speech, Lincoln complained. Yet he had sent the *Globe* and Appendix to them all. The *State Register* had given its readers 'more of Locofoco speeches in a month than all the Whig paper of the district has done of Whig speeches during the session.'

Lincoln was impatient that Herndon did not yet understand why Whigs had voted for the war resolution and still were against the war; but he explained the seeming paradox once more, notwithstanding the fact that Herndon had had 'at least twenty speeches' on the subject. As soon as campaign materials about Taylor were printed, Lincoln promised to 'send them to everybody.'[1]

Immediately after Taylor's nomination, a big public dinner was given to John J. Crittenden, who resigned from the Senate to become the Whig candidate for Governor of Kentucky. The invitations were issued under the names of thirty-four Senators, among them Webster, Calhoun, Corwin, and Davis, and sixty-five Representatives, among them Toombs and Ashmun, Stephens and Lincoln. Every Senator and scores of members of the House attended the banquet. Many speeches, customary on such occasions, were made, one of them by Lincoln,[2] and another, on request, by Jefferson Davis, in honor of the American army.[3]

But such non-partisan matters did not interest Lincoln. He

[1] Lincoln to Herndon, June 22, 1848. *Works*, II, 49–53.

[2] *National Intelligencer*, June 15, 1848; *Life of John J. Crittenden:* Mrs. Chapman Coleman, I, 303.

[3] 'Colonel Jefferson Davis, the gallant Senator from Mississippi, who distinguished himself so commendably at the battles of Monterey and Buena Vista, was called on by the company to respond to a toast given in honor of the Army of the United States.' *Battery*, Sept. 7, 1848.

The Whigs seem to have treated Davis with much consideration throughout the campaign. Although he was a Democrat, he was a 'war hero' like Taylor, and the son-in-law of the Whig presidential candidate.

was absorbed in the impending party struggle, and was keenly alert to every phase of the political situation. 'Do you know any democrats who will vote for Taylor? and if so, what are their names?' he inquired of a Whig politician in Illinois. 'Do you know any Whigs who will not vote for him? and if so, what are their names? and for whom will they vote?' Answer immediately.[1]

Party policy concerned him almost as much as specific votes likely to be cast. The Democrats must not outwit the Whigs in appeals to the people. The supporters of Taylor were in a quandary whether, in their campaign attack upon the war, they should say that the boundary between Texas and Mexico was the Nueces River, or some unfixed line in the 'desert' between that stream and the Rio Grande. Lincoln thought this matter highly important and wrote Horace Greeley to correct the editorial position of the New York *Tribune* on that serious point of party strategy.

'Friend Greeley,' as Lincoln addressed the New York editor, was wrong in saying in his paper that 'all Whigs and many Democrats' had always maintained that American territory 'stopped at the Nueces.' That, said Lincoln, was 'a mistake' which he disliked 'to see go uncorrected in a leading Whig paper.' For the Whigs to claim the Nueces as the boundary would give 'the Democrats an advantage of us.' 'On this very point,' Lincoln asked Greeley to read his speech which he sent the editor.[2]

A Whig campaign paper, the *Battery*, was started at Washington, identical, in purpose and plan, with the *Old Soldier* which Lincoln and other Whigs had maintained at Springfield in the Harrison campaign. Whig speakers were supplied with this source of stump inspiration and oratory; and Lincoln wrote a party campaigner that he could 'think of no better way of fitting you out, than by sending you the *Battery*. . . . Get as many subscribers as you can and send them on.' Lincoln would pay the subscription himself 'if you are not satisfied with it.' [3]

[1] Lincoln to Richard S. Thomas, June 19, 1848. Tracy, 33.

[2] Lincoln to Greeley, June 27, 1848. *Works*, II, 53–4.

[3] Lincoln to S. A. Hurlbut, July 10, 1848. *Works*, II, 58.
'The Whig Executive Committee' heartily endorsed this paper: 'If generally circu-

Towards the close of the session Lincoln became extraordinarily active in the work of the national Whig Committee.[1] He was constantly at the party headquarters sending out campaign 'literature,' and writing to Whig leaders all over the country. 'I am remaining here for two weeks to frank documents,' he informed the editor of the *Boston Atlas*, several days before adjournment.[2] But he stayed in Washington a month. Although Lincoln was not a member of the 'Whig Executive Committee of Congress,'[3] it is clear that he was attached to it, or was working under its direction. This circumstance fully explains many things otherwise unaccountable, that happened during the next few months — political letters written him from various states, his trip to Massachusetts, his conference with Weed in Albany, his statement at Worcester of his peculiar opportunity for special knowledge of the trend of the campaign. It explains, too, Lincoln's astute suggestions as to what Taylor ought to say in his campaign letter as the Whig candidate for President.

Do not bring up again the question of a national bank, he wrote. It 'is at rest' and 'were I President, I should not urge its reagitation upon Congress;' if Congress should pass a bank act

lated, [it] will contribute powerfully to the desired change in the administration of the Government.' *Battery*, July 6, 1848. This Committee pronouncement was kept in the paper throughout the campaign.

The subscription was one copy, fifty cents, twelve copies, five dollars, and twenty-five copies, ten dollars. Each issue of the *Battery* had sixteen pages. It contained speeches, long editorials, a great deal of Taylor's correspondence, reports, etc., and many Whig campaign songs. It teemed with abuse of Cass, praise of Taylor, with an occasional lashing of the Free Soilers.

The songs placed emphasis on the General's fighting qualities, his 'heroism,' firmness, patriotism, victories. The war note was incessantly sounded — Taylor had whipped the Mexicans, etc. No mention was made of any issue of the campaign, or of any public question.

[1] Much Whig politics is seen in the motions and roll-calls at the end of the session; and in these Lincoln appears actively. He voted to suspend the rules to permit a resolution censuring the President for opposing internal improvements and beginning a war of conquest (*House Journal*, 30th Cong. 1st Sess., 1135–6); for suspension of rules to permit a resolution of inquiry into Cass's expenses as Governor of Michigan (*ib.*, 1166–7); moved to suspend the rules for a report on the extra pay of Cass and Taylor (*ib.*, 1285–6); voted for printing the attack on Polk by the American Treaty Commissioner (*ib.*, 1218–21). All these were purely Whig political manœuvers, for use in the Presidential campaign.

[2] Lincoln to William Schouler, Aug. 8, 1848. Tracy, 34.

[3] This Committee consisted of Truman Smith of Conn., Dudley S. Gregory of N.J., Caleb B. Smith of Ind., Charles S. Morehead of Ky., T. Butler King of Ga., William Ballard Preston of Va., and Hugh White of N.Y. *Battery*, July 6, 1848.

'I should not arrest it by the veto.' The war debt made 'a modification of the existing tariff indispensable . . . with a due reference to the protection of our home industry.' As to the war, advocate a 'defensive line [of] policy,' as the best way to end it. Of course we should be 'under a sort of necessity of taking some territory' when peace should be made, but none 'so far south as to enlarge and aggravate the distracting question of slavery.' [1] Legislation ought to be the exclusive business of Congress, 'uninfluenced by the executive in its origin and progress, and undisturbed by the veto unless in very special and clear cases.' [2]

Thus occupied in Washington with the practical direction of national politics, Lincoln was annoyed by the renewed complaints of Herndon that, at Springfield, young men were being kept back in politics. The subject was 'exceedingly painful' to him, wrote Lincoln; he was 'now one of the old men,' he supposed, and nothing would please him more than to learn that his 'young friends at home' were 'doing battle in the contest,' and rising higher in the love and admiration of the people than Lincoln ever had risen. He had been 'young once' and never had been 'ungenerously thrust back.' Self improvement, unweakened by jealousy or suspicion, was the only way to succeed. Herndon had been 'a laborious, studious young man, . . . far better informed on almost all subjects' than Lincoln had been.[3] With this fatherly admonition he again reminded his junior partner that he had the war speeches by Lincoln and other Whigs.

In a curious mingling of irritation and fun Lincoln wrote his 'Dear Wife,' who was still at Lexington, Kentucky. He had sent her a draft at that place for a hundred dollars, he said. A store had 'dunned' him for $5.38 and another for $8.50 'for goods which they say you bought.' What about it? 'Mrs.

[1] This was the position of such Southern Whigs as Stephens, Toombs, and Crittenden, who wished to quiet the slavery agitation.

[2] Lincoln's draft of campaign letter for Taylor, 1848. *Works*, II, 55–6. The date vaguely given in the editions of Lincoln's *Works* is sometime in July; but this is a bad guess, since peace had been made in May. Lincoln wrote his suggestions to Taylor long before his nomination.

[3] Lincoln to Herndon, Washington, July 10, 1848. *Works*, II, 56–8.

Richardson [wife of a Democratic member of the House from Illinois [1]] is still here, and what is more has a baby — so Richardson says, and he ought to know.' Lincoln comforts his wife for being away from Washington — she is not missing much. 'The music in the Capitol ground on Saturday, or, rather the interest in it, is dwindling down to nothing. Yesterday evening the attendance was rather thin.'

Mrs. Lincoln was without a domestic servant, a chronic trouble with her. 'By the way,' Lincoln casually inquires, 'you do not intend to do without a girl, because the one you had has left you? Get another as soon as you can to take charge of the dear little codger. Father expected to see you all sooner, but let it pass, stay as long as you please and come when you please. Kiss and love the dear rascals. Affectionately, A. LINCOLN.'

Lincoln then regales his wife with a bit of gossip. 'Our two girls, whom you remember seeing first at Carusi's at the Exhibition of the Ethiopian Serenaders and whose peculiarities were the wearing of black fur bonnets, and never being in close company with other ladies, were at the music yesterday. One of them was attended by their brother, and the other had a member of Congress in tow. He went home with her, and if I were to guess I would say, he went away a somewhat altered man — most likely in his pockets and in some other particular. The fellow looked conscious of guilt, although I believe he was unconscious that anybody around knew who it was that had caught him.' [2]

Another letter to Herndon reveals Lincoln's state of mind at this time. Seemingly he felt that he had been too hard on his despondent partner. 'Go it while you're young,' he advised Herndon, who had said something in one of his letters about 'kissing the girls.' As to that diversion, said Lincoln, 'I know a very pretty one, but I'm afraid she won't let me kiss her.' [3]

Toward the end of the session the question of territorial governments for Oregon, New Mexico, and California came to a de-

[1] William Alexander Richardson, who was elected in 1863 United States Senator from Illinois to fill the vacancy caused by the death of Douglas.

[2] Lincoln to his wife, July 2, 1848. MS. owned by Alexander W. Hannah, Chicago, Ill.

[3] Lincoln to Herndon, July 11, 1848. MS. Barrett Collection.

cision. Lincoln voted against an amendment to strike from the Oregon bill the provision placing that territory under the famous Ordinance of 1787.[1] Among the Senate amendments to the House Oregon bill, was one extending the line of the Missouri Compromise to the Pacific Ocean. Lincoln voted against it as did all anti-slavery men.[2] Thus, by implication, Lincoln may be said to have voted three times, in indirect fashion, on the idea of the Wilmot Proviso during his first session in Congress.

While Lincoln was engaged in party manœuvring and in the daily grind of the House, with occasional interest in family affairs, and a flash of humor now and then, he spoke briefly on unimportant matters [3] and wrote two long set speeches. Both were for use in the campaign. With characteristic political astuteness, he seized upon the subject that would be most fruitful of votes. The River and Harbor Convention at Chicago had shown him the direction of popular interest. This fact and the savage reception of his anti-war speech in Illinois were more than enough to make the sensitive and practical politician realize the advisability of minimizing such talk thereafter. Instead, internal improvements were what voters really wanted — especially in the Northwest and, indeed, throughout the North generally. So Lincoln resolved to speak on that concrete and immediate issue.

His speech was delivered as a part of the debate upon the Civil and Diplomatic Appropriation bill. Lincoln knew that he was not in order because his speech was not germane to the subject before the House; and he naïvely asked the Speaker if he would be out of order. Winthrop dryly said that he could not

[1] *House Journal*, 30th Cong. 1st Sess., 1153–4, Aug. 2, 1848.

This amendment was defeated by a vote of eighty-eight ayes to one hundred and fourteen nays, all anti-slavery men voting against it.

The Ordinance of 1787 provided, among other things, that slavery should never exist in the territory north of the Ohio River.

For the Oregon bill as enacted, see *Acts*, 30th Cong. 1st Sess., 192–203; and for this anti-slavery section, *House Journal*, 30th Cong. 1st Sess., 1153.

[2] *Ib.*, 1245–6, Aug. 11, 1848. This Senate amendment was beaten by a vote of eighty-two ayes to one hundred and twenty-one nays.

On the day before this vote the House rejected a Senate amendment to the Civil and Diplomatic bill providing for the continuance and completion of John C. Frémont's survey of Oregon and California to find a route for railways to the Pacific, Lincoln voting against it. The vote was twenty-eight ayes to one hundred and twenty-eight nays. *Ib.*, 1233–4.

[3] *Cong. Globe*, 30th Cong. 1st Sess., XVIII, 571, 727, 797, 878, 928, 1027, 1049, 1081.

tell in advance what Lincoln would say; he might go on and, if anybody raised a point of order, the Speaker would decide it. So Lincoln made his speech and nobody objected.

The Democrats, he said, were against internal improvements. The sum of their opposition was 'Do nothing at all, lest you do something wrong.' He gave the usual arguments upon the subject, although in a dull fashion, wholly unlike himself. Some illustrations were curiously far fetched. 'The driving of a pirate from the track of commerce on the broad ocean, and the removing a snag from its more narrow path in the Mississippi River, cannot, I think, be distinguished in principle;' or (as showing that projects for the general good should not be rejected because of the local benefits they might confer), the national Capitol was helpful 'to the property-holders and business people of Washington.' Once he used the method and language of the stump. 'An honest laborer digs coal at about seventy cents a day, while the President digs abstractions at about seventy dollars a day. . . . What a monstrous inequality in the prices!'

Lincoln confessed his incompetency to discuss the constitutional power of Congress to provide for internal improvements. 'In any attempt at an original constitutional argument, I . . . ought not to be listened to patiently. The ablest and the best of men have gone over the whole ground long ago.' So he confined himself to quotations from the *Commentaries on American Law*, by Chancellor James Kent of New York, 'one of the ablest and most learned lawyers of his age, or of any age.' At this point, Lincoln suddenly rose to lofty heights — for a moment the great Lincoln appeared, the Lincoln of coming years. He spoke briefly on the general proposition of amending the Constitution. 'As a general rule, I think we would much better let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it. Better, rather, habituate ourselves to think of it as unalterable. It can scarcely be made better than it is. New provisions would introduce new difficulties, and thus create and increase appetite for further change.[1] No, sir; let it stand as it is. New hands have

[1] On March 13, 1848, Jacob Thompson of Mississippi offered a resolution to amend the Constitution so that judges of the Supreme Court should serve only for a term of

never touched it. The men who made it have done their work, and have passed away. Who shall improve on what *they* did?' [1]

It was not necessary, he continued, to amend the Constitution to give Congress express power to appropriate money for internal improvements. 'Determine that the thing can and shall be done, and then we shall find the way. . . . How to do something, and still not do too much, is the desideratum.'

Lincoln's custom of carefully revising his speeches before permitting the publication of them is well illustrated in the case of this one. 'As soon as I can get it written out and printed,' he wrote Herndon two days after he had delivered the speech, 'I shall send [it] home' — and he added dejectedly, that he supposed nobody would read it.[2]

Before he made his next campaign speech in the House, a notable and brilliant ceremony, in which Lincoln participated, took place in the national capital. Nothing like it ever had been seen in the city. At daybreak all the bells of the churches began to ring; at sunrise, artillery thundered from the navy yard and arsenal; sections of a vast procession, soon to be formed, hurried to their stations. 'Great multitudes rushed' into Washington. Streets and open spaces were thronged — carriages, horsemen, thousands on foot. Among the crowd slowly moved negroes with baskets of food and fruit on turbaned heads, 'suspicious looking stone bottles' in their hands, selling to the hungry and thirsty. The discharge of guns and pistols, the noise of firecrackers, the songs of children, the huzzas of men mingled in continuous waves of sound.

Finally the parade was in line. It was a mile and a half long. The color, solidity, and distinction of it were 'indescribable.' At its head was a carriage containing the President with his Secretary of State, James Buchanan, followed by other carriages with the remainder of the Cabinet. The Grand Marshal of the day came next. Then, surrounded by his gorgeous staff, Major

years instead of for life. Lincoln voted against it by voting to lay it on the table. The resolution was thus killed by a vote of eighty-three ayes to sixty-eight nays. *House Journal*, 30th Cong. 1st Sess., 554–5.

[1] *Works*, II, 28–48, June 20, 1848. The speech was printed in the Springfield Whig paper. *Illinois Journal*, July 20, 1848.

[2] Lincoln to Herndon, June 22, 1848. *Works*, II, 49–53.

General John Anthony Quitman of the United States army, who had won fame in the Mexican war, rode at the head of the military — masses of infantry, artillery, cavalry, marines, their officers with plumed hats and drawn swords. Among them on a magnificent black horse was the popular hero of the hour, a soldierly young man of thirty-one with long, heavy, spreading whiskers, Captain Charles Augustus May, whose dashing exploits in Mexico were household tales throughout the land.

Military companies from Baltimore, from Richmond, from cities as distant as Boston, marched in their finest uniforms. Congress in a solid body came next, Lincoln noticeable for his great height but, at that time, distinguished for nothing else. Every organization of the capital was in line — Fire Department, Temperance Societies, school children, the Odd Fellows, the Red Men. Most conspicuous of all were the Free Masons — for they felt that it was peculiarly their day — led by their national Grand Master and Grand Chaplain. At last came the carriage of the orator of the day, Robert C. Winthrop, Speaker of the House.

It was July 4, 1848, and on that day the cornerstone of the monument to George Washington was laid with Masonic ceremonies. On the Speaker's stand sat two very old ladies, Mrs. Alexander Hamilton and Mrs. James Madison. All about were the beauty, the fashion, and the culture of many States as well as of the District.

Winthrop's address was a model of eloquence, restrained, clear, simple, lofty. The orator pleaded for 'national brotherhood,' as against the 'many marked and mourned centrifugal tendencies' then threatening to dismember the Union. These lines in closing illustrate the temper and sense of this masterpiece of eulogy: 'This wide-spread Republic is the true monument to Washington. Maintain its Independence. Uphold its Constitution. Preserve its Union. Defend its Liberty.' [1]

If the occasion and the noble address of the Speaker of the House made any impression on Lincoln, that impression did not affect his next, and his last, speech in Congress. Indeed this speech is worthy of note solely because it is the only example we

[1] *Addresses and Speeches:* Winthrop, IV, 525. *National Intelligencer*, July 6, 1848.

have of his method and manner as a stump speaker before the time, still six years in the future, when his style, matter, and delivery totally changed. For his performance in the national House of Representatives, July 27, 1848, was purely a stump speech; and, if we will imagine him delivering it before crowds in a rough and tumble political contest instead of in Congress, we shall have a fairly accurate picture of Lincoln as a campaigner at this period and during the earlier years of his life.

His theme was the sound statement, written by the Whig managers for their candidate and given out under Taylor's name, that the Presidential veto should never be used 'except in cases of clear violation of the Constitution, or manifest haste and want of consideration by Congress' — a point which, as we have seen, Lincoln had suggested Taylor should make in his campaign manifesto. This the Democrats had assailed, and Lincoln began his speech by showing that Taylor's position was 'exactly' like that of Jefferson and all early American statesmen.

In answer to the charge that Taylor had no 'principles,' or even opinions on public affairs, Lincoln declared that there was not the least doubt as to what he would do on the 'prominent questions;' and, anyway, the views of the Whig candidate were no more obscure than those of the Democratic candidate for President. But Taylor was not vague and general. Had he not said that on the tariff, currency, and internal improvements 'the will of the people' as expressed in acts of Congress, would govern him. What could be clearer, what more specific!

Principle! Taylor's position was the very essence of principle, — 'the principle of allowing the people to do as they please with their own business.' The Constitution gave the President the veto power; but to enable him to control all legislation by means of party platforms 'and other appliances' was what the Whigs and Taylor opposed. That was the broad distinction between the Whigs and Democrats.

See how laws and policies had been foisted on the country. A party was committed on several familiar questions; a new question to which a large portion of the party objected, was included in a party platform; 'the whole was strung together;' party vo-

ters had to 'take all, or reject all;' so they were forced to 'shut their eyes, and gulp the whole.'

That 'process' was wrong; the Whigs wanted a President who would 'allow the people to have their own way, regardless of his private opinions.' Taylor 'would force nothing on them which they don't want' and would not prevent them from getting what they did want — internal improvements, for instance. That was the kind of President the country needed, one who would not interfere with Congress.

Lincoln admitted that he did not know what Taylor would do on the Wilmot Proviso; he hoped that Taylor would not veto it, but he did not 'know it. Yet if I knew he would, I still would vote for him.' Why? 'Because . . . his election alone can defeat General Cass.' If Cass should be elected and 'slavery thereby go to the territory we now have,' we would have that evil 'and, in addition a course of policy leading to new wars, new acquisitions of territory, and still further extensions of slavery. One of the two is to be President. Which is preferable?'

Having thus touched upon slavery just enough to disturb the anti-slavery Democrats and not enough to arouse the pro-slavery Whigs, Lincoln quickly veered to internal improvements. On this subject he merely pointed out Democratic inconsistencies. Cass had voted for internal improvement bills and yet approved Polk's veto of them; he was for the policy and yet endorsed the Democratic platform which opposed it. Lincoln closed this branch of the subject by restating the Whig campaign position: The Democrats were for 'laying down in advance a platform — a set of party positions — as a unit, and then of forcing the people, by every sort of appliance, to ratify them, however unpalatable some of them may be;' the Whigs were for 'making presidential elections, and the legislation of the country distinct matters; so that the people can elect whom they please, and afterward legislate just as they please, without any hindrance,' except, of course, to guard against hasty and unconstitutional measures. That was the 'true Republican position. In leaving the people's business in their hands, we cannot be wrong.'

After this exposition of the difference, 'clear as noon-day,'

thought Lincoln, between the Whig and Democratic view of the purpose of elections in a free government, after this demonstration of the wickedness of party platforms, and after the assertion that a President should be elected without reference to laws to be enacted during his Administration, Lincoln took the bridle from his ridicule and indulged frankly in those antics of the buffoon, then so beloved by partisan campaign audiences.

He was 'struck blind,' he said, by the speech of a Democratic member and felt with his fingers to see if he was still alive — 'a little of the bone was left, and I gradually revived.' The Democrats had accused the Whigs of having 'turned Henry Clay out, like an old horse, to root;' but were Whigs the only party 'who sometimes turn old horses out to root?' Look at Van Buren — he had been turned out to root and was now 'rooting' to the 'discomfort' of the regular, old-line Democrats. Between Van Buren and his old admirers a 'war of extermination' was being waged. Not that Lincoln cared. 'I say, "Devil take the hindmost" — and the foremost.'

The Democrats charged the Whigs with hiding 'under General Taylor's military coat-tail.' But what about General Jackson's coat-tail. The Democrats had 'run the five last presidential races under that coat-tail, and . . . are now running the sixth under the same cover.' Jackson's coat-tail had been used, not only for himself, but every Democratic candidate since who had 'clung to [it] with the grip of death. . . . Like a horde of hungry ticks you have stuck to the tail of the Hermitage lion to the end of his life; and you are still sticking to it, and drawing a loathsome sustenance from it, after he is dead.' The Democrats were like the man who advertised that he had invented a material by which he 'could make a new man out of an old one, and have enough of the stuff left to make a little yellow dog.'

Lincoln said that he would not have spoken of old horses and military coat-tails if the Democratic member had not first made mention of them; but since he had, Lincoln flung this counter challenge in discomfited Democratic faces. 'If you have any more old horses, trot them out; any more tails, just cock them and come at us.' Let the Democrats understand that to us 'degrading figures [of speech]' were not a one-sided game. (Cries:

'We give it up!'). 'Aye,' exclaimed Lincoln in triumph, 'give it up,' not because the Democrats had been outdone in unseemly metaphors, but because of the truthfulness of Lincoln's use of them.

The interruption had nearly caused him to forget another aspect of the coat-tail issue, he said — 'I mean the military tail you Democrats are now engaged in dovetailing into the great Michigander [General Cass]. Yes, sir; all his biographers (and they are legion) have him in hand, tying him to a military tail, like so many mischievous boys tying a dog to a bladder of beans.' With gusto Lincoln lampooned Cass's military record. 'He *in*vaded Canada without resistance, and *out*vaded it without pursuit,' which was 'a large part of the tail.'

Lincoln then made comparison of the military records of General Cass and himself. He, too, was a military hero, he whimsically declared. 'Yes, sir; in the days of the Black Hawk war I fought, bled, and came away. . . . I was about as near it [Stillman's defeat] as Cass was to Hull's surrender; and, like him, I saw the place very soon afterward.' Lincoln did not break his sword,[1] he said, for he had none; but he bent a musket 'by accident.' 'If General Cass went in advance of me in picking huckleberries, I guess I surpassed him in charges upon the wild onions. If he saw any live, fighting Indians, it was more than I did; but I had a good many bloody struggles with the mosquitoes, and although I never fainted from the loss of blood, I can truly say I was often very hungry.'

Lincoln then assailed Cass for his changed attitude on the Wilmot Proviso. He read from a speech by Cass and from his famous letter in which the Democratic candidate had laid down the policy of local self-government — a policy that, when advanced by Douglas a few years later, was to call upon him execrations as the author of all villainy.

Congress, wrote Cass, should have nothing to do with slavery in the territories — that subject should be 'left to the people . . . in their respective local governments. . . . I am opposed to the

[1] This reference is to the incident of General Cass's having broken his sword in anger and disgust, when he heard of the surrender of Detroit by General Hull in our second war with Great Britain.

exercise of any jurisdiction by Congress over this matter; and I am in favor of leaving the people of any territory which may be hereafter acquired the right to regulate it themselves, under the general principles of the Constitution, . . . leaving to the inhabitants all the right compatible with the relations they bear to the confederation.' [1]

There, declared Lincoln, was 'a true index to the whole man' — for the Wilmot Proviso in 1846; still for it in March, 1847, 'but not just then;' wholly against it in December of that year. Cass obeyed the party 'ox-goad,' went back when ordered, stood still when ordered, and would do 'whatever the party exigency for the time being' required.

And consider the 'charges' of General Cass — 'not upon the public enemy, but upon the public treasury.' Lincoln went minutely and at tiresome length into Cass's financial accounts as Governor of Michigan Territory for seventeen years. What a worker! Cass's expenditures showed 'that he not only did the labor of several men at the same time, but that he often did it at several places, many hundreds of miles apart, at the same time.' And how Cass ate! For eight months 'he eat ten rations a day in Michigan, ten rations a day here in Washington, and near five dollars' worth a day on the road between the two places!'

Talk about the old story of the 'animal standing in doubt between two stacks of hay and starving to death.' Cass would never do that. 'Place the stacks a thousand miles apart, he would stand stock-still midway between them, and eat them both at once, and the green grass along the line would be apt to suffer some, too, at the same time.'

Finally Lincoln touched gingerly on the war. Taylor was '*par excellence*,' the hero of the Mexican War, yet the Whigs said that the conflict was 'unnecessarily and unconstitutionally' brought on by the President. What inconsistency was there in that? After 'the war had begun and had become the cause of the country,' the Whigs gave their money and blood as well as the Democrats. 'Clay and Webster each gave a son, never to be returned.' Illinois had sent her most eminent Whigs. 'All fought,

[1] Cass to Nicholson, Dec. 24, 1847. Lincoln did not give the exact language used by Cass. *Lewis Cass:* William T. Young, 323.

and one [Hardin] fell, and in the fall of that one we lost our best Whig man.' Four of the five high officers killed at Buena Vista were Whigs. To be sure, Democrats had done as much elsewhere. 'I think of all those brave men as Americans, in whose proud fame, as an American, I too have a share.'

Lincoln wished he had time to speak about the disturbance in the Whig party at which the Democrats sneered. 'I would like to say a word to our dissenters.' [1] But did not the Democrats also have dissenters? If what was reported about Democratic division in New York [2] was true, it reminded Lincoln of what 'a drunken fellow once said when he heard the reading of an indictment for hog stealing,' in which the charge was that ten boars, ten sows, ten shoats, and ten pigs had been stolen; upon hearing which the drunkard observed: '"Well, by golly, that is the most equally divided gang of hogs I ever did hear of!"' So, 'if there is any other gang of hogs more equally divided than the Democrats of New York are about this time, I have not heard of it.' [3]

Such was the speech prepared for the campaign,[4] which Lincoln made during the presidential contest of 1848; but he did not make it in Illinois except, perhaps, once or twice at the close of the presidential campaign. In the Seventh District Logan ran on Lincoln's record and was badly beaten.[5] Lincoln could not — at least, he did not — go to Logan's assistance; the congressional election was on August 7, and Congress did not adjourn until August 14.

Moreover, Lincoln was busy with party national manage-

[1] He was soon to say that word in his New England stump speeches.

[2] Where Free Soil Democrats had joined Free Soil Whigs and nominated Van Buren for President on an anti-slavery platform.

[3] *Works*, II, 59–88.

[4] *History of Abraham Lincoln and the Overthrow of Slavery:* Isaac N. Arnold (1867), 82. 'It was designed as a campaign document.'

[5] The majority of Thomas L. Harris, the Democratic candidate, was 106, while the Whig majority in 1846 was 1,511. The voting was very heavy. 2,934 more votes were cast than when Lincoln was elected. Records Ill. Sec. St. Office. This is explained by the absence of the volunteers in August, 1846, and the presence of the veterans at the polls in 1848. It is plain that most of them voted against the Whig candidate, who lost ground in every county.

The *Illinois State Register* declared that Logan was defeated because of his stand on the Mexican War. Aug. 11, 1848.

ment. Then, too, he would have hurt Logan had he taken the stump for him at that time; for, as Herndon had so often warned him would be the case, Lincoln's popularity at home had been seriously impaired, if indeed it were not for the moment destroyed. The people were against Logan, said the Democratic organ during the campaign, because he 'unblushingly endorses the vote cast by Abraham Lincoln in Congress, denouncing the war as "unconstitutional and unnecessary."' [1]

While attending the Whig National Convention at Philadelphia, Lincoln had met many Whig politicians from over the country and, apparently, had made careful note of each of them. In any case, when the presidential campaign opened in September, he sent letters to Whig politicians in various States, asking for their estimate of the political situation. 'You probably remember seeing me at the Philadelphia Convention — introduced to you as the lone Whig star of Illinois,' he wrote to a vigorous politician in Pennsylvania, Thaddeus Stevens, who was to become so influential although violent a factor in Lincoln's administration.

'Since the adjournment,' continued Lincoln, 'I have remained here, so long, in the Whig document room. I am now about to start for home; and I desire the undisguised opinion of some experienced and sagacious Pennsylvania politician, as to how the vote of that state, for governor and president, is likely to go. In casting about for such a man I have settled upon you; and I shall be obliged if you will write me at Springfield, Illinois. The news we are receiving here now, by letters from all quarters, is steadily on the rise; we have none lately of a discouraging character. This is the sum without giving particulars.' [2]

Stevens answered promptly and at length. It was 'extremely difficult' to forecast the result in Pennsylvania, and he gave Lincoln a clear and detailed analysis of the peculiar conditions in that State. 'I have some, but not strong, hopes of Penn.,' wrote Stevens, and he asked Lincoln for his opinion of the outlook in other States.[3]

[1] *Illinois State Register*, June 23, 1848.

[2] Lincoln to Stevens, Sept. 3, 1848. MS. Library of Congress.

[3] Stevens to Lincoln, Sept. 7, 1848. Weik MSS.

Senator John Bell of Tennessee, who in 1860 was to be the presidential candidate of the Constitutional Union Party, wrote Lincoln that he was 'glad to learn [from Lincoln] that all the late accounts received by the Whig [National] Central Com[mittee] were favorable.' Tennessee would be 'certainly Whig,' Bell said; indeed the whole South would go for Taylor except Alabama, Mississippi, Arkansas, and Missouri. But what about Illinois and the Northwest, he inquired of Lincoln.[1]

But Lincoln did not go to Illinois as he told Stevens, Bell, and others he would do. Instead he went to Massachusetts. Early in August he had written 'Friend Schooler' [Schouler], editor of the leading Whig paper in Boston, for his 'undisguised opinion as to what New England generally and Massachusetts particularly' would do at the election. Schouler had told Lincoln, apparently at the Philadelphia Convention, that Taylor would be nominated and this circumstance, said Lincoln, gave him 'confidence in your predictions.'[2] The Boston editor answered after the vague fashion of party enthusiasts, that all was going well; and Lincoln thanked him for the 'encouraging news.' Advice 'from all parts is on the lookup,' he wrote Schouler in reply. From Ohio, a doubtful State, the letters were encouraging.

But Lincoln 'would rather not be put upon explaining how Logan was defeated in my district.' He had not heard from home and did not know whether there had been a full turn out at the polls.[3] Many Whigs were against Logan, he knew. Then, too, Thomas L. Harris, the Democratic candidate against Logan, 'was a Major of the war and fought at Cerro Gordo, where several Whigs of the district fought with him.' But Lincoln's district would be all right in November. He had written to every county and had been told that the chances were more than twenty to one in favor of the Whig national ticket.[4]

[1] Bell to Lincoln, Sept. 17, 1848. Weik MSS.

[2] Lincoln to William Schouler, Aug. 8, 1848. Tracy, 34. The *Atlas*, of which Schouler was editor, supported the Whig ticket with extreme ardor and was extremely abusive of Whigs who left the party and became Free Soilers.

[3] The vote had been nearly 3,000 more than when Lincoln was elected. Records, Ill. Sec. St. Office.

[4] Lincoln to Schouler, Aug. 28, 1848. Tracy, 35–6. Taylor carried the Seventh District by 673 majority, although Logan had lost it by 106 three months before.

The sunny estimate of conditions in Massachusetts given by the optimistic Boston Whig editor appeared to be the reverse of reports received by the Whig Central Committee at Washington. It is reasonably certain that, in response to his inquiries, Lincoln had received letters from Whig politicians of that State as from other States, and that these answers informed him of the desperate Whig prospects in that traditional Whig stronghold in New England. For a formidable revolt against Taylor's nomination and the cowardly and evasive Whig 'platform,' was working in Massachusetts.

Thousands of Whigs were flocking to the new Free Soil party. The younger Whigs were especially militant in opposition to the old and moribund organization. Charles Francis Adams, the firm, resourceful, and fearless son of John Quincy Adams, had helped to form the new party, had presided over the Free Soil National Convention at Buffalo, and was the Free Soil candidate for Vice President.

But among the leaders of the Free Soil party in Massachusetts was a young man of thirty-seven, highly educated, widely travelled and well known in England for his learning and social talents. He was a graduate of Harvard and was already recognized as an eminent jurist. He was almost as tall as Lincoln, slender, erect, and graceful. Thick masses of dark hair covered his fine head, his brow was broad and high, eyes blue, large and alert yet steady, nose straight and long, mouth wide and generous, chin and jaw firm and uncompromising. His features, taken together, were intellectual and would have been beautiful but for their force and austerity. He was to become one of the powerful and historic figures in the Senate of the United States. Now, in 1848, Charles Sumner was of the most active and influential of those determined men who formed a new political organization devoted solely to the cause of freedom. He was imperious, direct, intolerant of opposition, and went forward to his objective on straight and simple lines. Many of the Southern leaders were of the same temper, but Lincoln was of another and antipathetic class. By instinct as well as mind, he understood and responded to the sinuosities, twists, and contradictions through which a democracy expresses itself.

Sumner had zealously adopted the abolition view of the Mexican War and had bitterly opposed it. Even before it began he had delivered his notable oration against all war, 'The True Grandeur of Nations.' Indifferent to politics which he thought not worth while, he had, nevertheless, thrown himself heart and soul into the Free Soil movement after Taylor's nomination; and was one of those who called the famous Free Soil State Convention at Worcester, June 28, 1848.[1]

At that gathering Sumner thus answered the principal and abusive argument of the old-line Whigs — the argument which, in a moment, we shall hear Lincoln repeat in the very town where Sumner spoke. 'But it is said that we shall throw away our votes, and that our opposition will fail. Fail, sir! No honest, earnest effort in a good cause can fail. It may not be crowned with the applause of men; . . . But it is not lost; it helps . . . to animate all with devotion to duty, which in the end conquers all. Fail! Did the martyrs fail when with their precious blood they sowed the seed of the Church? Did the discomfited champions of Freedom fail who have left those names in history that can never die? Did the three hundred Spartans fail when in the narrow pass they did not fear to brave the innumerable Persian hosts, whose very arrows darkened the sun? Overborne by numbers, crushed to earth, they left an example greater far than any victory. And this is the least we can do. Our example will be the mainspring of triumph hereafter. It will not be the first time in history that the hosts of Slavery have outnumbered the champions of Freedom. But where is it written that Slavery finally prevailed?' [2]

At a Free Soil ratification meeting in Fanueil Hall Sumner was chairman and in a short and thrilling speech declared: 'Opposition to the slave-power . . . is now for the first time the leading principle of a broad, resolute, and national organiza-

[1] Of that gathering Sumner afterwards wrote: 'This was the beginning of the separate Free Soil organization in Massachusetts, which afterwards grew into the Republican party. . . . No great movement ever showed at the beginning more character and power. It began true and strong. All the speakers united in renouncing old party ties. None did this better than C[harles] F[rancis] Adams.' *Memoir and Letters of Charles Sumner:* Edward L. Pierce, III, 166.

[2] Pierce, III, 167.

tion. . . . We found now a new party. Its corner-stone is freedom, its broad, all-sustaining arches are truth, justice, and humanity.' [1]

Such were the spirit and purpose of the men of New England who left the Whig party in 1848. And the quality of the 'dissenters,' as Lincoln called them, was correspondingly high and resolute. With Sumner and Charles Francis Adams was a young man of thirty, John A. Andrew, who was to become the 'war governor' of Massachusetts while Lincoln was President. Another of twenty-eight, Anson Burlingame, was to be appointed by Lincoln Minister to China. A third, one year younger than Sumner, Henry Wilson, was to become Sumner's colleague in the Senate and chairman of the Senate Committee on military affairs during Lincoln's administration.[2] Richard Henry Dana, E. Rockwood Hoar, his brother George Frisbie Hoar, and many others of like character and stature were of this faction.

Nearly all men of letters in Massachusetts supported the new party — Whittier, Longfellow, Lowell. In his Biglow Papers Lowell had already made effective use of his gift of satire and ridicule in castigating the Whig abandonment of principle, Taylor's unfitness for the Presidency, the wrong of slavery. Conspicuous among New England Free Soilers because of his age, learning, public services, and literary achievements, was Palfrey, still in Congress and one of the directing minds of the Free Soil agitation in his State.[3]

[1] Pierce, III, 170–1. Of this meeting the Whig campaign organ in Washington said: 'The Barnburners of Massachusetts, for so we may now call the Anti-Cass and Taylor men of that State, held an adjourned meeting at the Temple in Boston last week. . . . The speakers . . . devoted themselves to arguments against slavery, and to statements that its extension can only be prevented by opposition to the two parties which now enrol almost all the voters of the country.

'How they propose to accomplish any good result, or any result whatever, they do not inform us. But of course they lauded each other very much for their devotion to liberty, and denounced all Cass-and-Taylor men as "false to freedom."

'The result will be, that the Third party will be gradually thinned out until there remains nothing of it but Abolitionism and Barnburnerism proper.' *Battery*, July 13, 1848.

[2] Wilson was one of the most practically effective men in either House or in the government during the Civil War. Although a Senator, he raised a regiment in Massachusetts in 1861 and served as its Colonel until Congress convened. In 1872 Wilson was elected Vice President on the Republican ticket with Grant. It is worthy of note that he was a delegate to the Philadelphia Convention that nominated Taylor in 1848 and then and there openly declared that he would not support the nominee.

[3] Garrison, Phillips, and other thorough-going Abolitionists would not join the Free

In such manner and by such men began the movement that ended in the formation of the Republican party eight years later, a movement of which Lincoln was finally to become the standard bearer, supported most ardently by the very persons whose motives he now so vigorously assailed. For it was to help crush this rebellion in the Whig party that Lincoln hastened to Massachusetts toward the middle of September, 1848.

The Whig leaders were even more virulent toward the Free Soilers than they were toward the Democrats. 'The Third party in the Northern States, under the lead of Van Buren, Giddings, Garrison, Adams, Palfrey, Wilson, and others of that kidney, is running as fast as it may into abolitionism,' exclaimed the *Battery*.[1] What could be worse!

The Free Soil upheaval was not the only danger, real or fancied, to Whig prospects in Massachusetts. The old party was well-nigh paralyzed there by the disgust and apathy of those who remained members of it. Every Whig Representative in Congress from that State, except Winthrop and Hudson, had declined to be a candidate for reëlection.[2] Webster held Taylor in infinite contempt, despised the politician's creed of availability by which he had been nominated, and did not announce his support of the Whig candidate until two weeks before the Whig

Soilers because they did not go far enough. The position of the Abolitionists was that there must be immediate and unconditional emancipation. Opposition to extending slave territory and respecting the Constitution were inconsistent, they declared, with the principle of human freedom.

Emerson is the one man of distinction in Massachusetts at that time, who seems not to have been greatly concerned about the acquisition of territory. Indeed Emerson rather favored expansion as inevitable and, on the whole, desirable.

[1] *Battery*, July 13, 1848. As the campaign progressed the Whig campaign organ became ever more bitter. The Massachusetts and Ohio Whigs who bolted the Philadelphia convention were 'mal-contents and traitors,' said the *Battery*. They were 'among the tagrag and bobtail of parties.' They were 'traitors from the start,' etc. *Ib.*, Aug. 24, 1848. Giddings, especially, was denounced by the Whig paper as the father of lies. *Ib.*, Nov. 2, 1848.

Garrison should not have been mentioned save as an influence, for he would not himself vote.

[2] In his speech at the Whig State Convention, Sept. 13, Winthrop named each of the Massachusetts delegation, accorded them the usual praise and said: 'They are about to fling away ambition. They have already signified, almost to a man, their desire and their design to be relieved from further service in the offices which they have held.' *National Intelligencer*, Sept. 23, 1848.

In the election Hudson, who had come out in support of Taylor 'as a choice of evils,' was beaten by Charles Allen, Free Soiler, and Palfrey was defeated. Of the ten Massa-

State convention. Then, at his Marshfield farm, he reluctantly broke his public silence in a half-hearted effort to check the exodus from his party.[1] Nowhere in the whole discontented North was the Whig outlook so forbidding as it was in Massachusetts.

Apparently Lincoln went to that field of party peril, as a kind of campaign inspector from the Whig national headquarters in Washington — if not, it is hard to see why he took the journey. No invitation to him to take part in the campaign on the stump has been discovered, although painstaking search for such a request has been made.[2] The Speaker of the House, Robert C. Winthrop, had not been impressed by Lincoln's work in Congress,[3] and certainly did not ask him to come. He had no engagements to speak anywhere in the State. It would appear, indeed, that Lincoln's services on the stump were not in demand

chusetts members of the House in the 30th Congress four were retired and in place of one Free Soiler (Palfrey) two (Allen and Fowler) were elected to the 31st Congress. Winthrop declined to run, because of ill-health, but was persuaded by his friends and the Whig politicians to reconsider. One of them wrote that Winthrop's refusal to be a candidate might cause the Whigs to lose the State. Letters to Winthrop, July, 1848: MSS. Winthrop Papers, Mass. Hist. Socy.

[1] Webster made his Marshfield speech, Sept. 1, 1848. Massachusetts Whigs, he said, did not favor Taylor's nomination principally because he was 'a military man merely' — the only one in our history that ever had been proposed for office. That was the main reason that the Whigs of Massachusetts, 'and I among them,' were dissatisfied, although there were other reasons 'of less importance.'

But Taylor was the Whig candidate, and a good man personally. No matter how he had been nominated, it had been done honestly and in the regular way. Pro-slavery men had not nominated him, as some seemed to think. He was chosen solely because it was thought he could win. 'That was the whole of it. That *sagacious, wise, farseeing doctrine of availability* lies at the bottom of the whole matter' — and Webster denounced availability as 'wholly unwise,' 'short-sighted,' and 'not suited to the Whig character.' Italics Webster's.

However, the real questions before the country were that there should be no more 'wars of ambition and conquest,' that slavery should not be extended, and that there should be a protective tariff. On these matters Taylor was safer than Cass. If 'a considerable number of Whigs secede' and go for Van Buren, the result would be Whig defeat.

Webster's speech tended to check the Whig revolt against Taylor in Massachusetts and throughout the North. It was widely published in the Whig press of the country and the Whig national organ printed it in full. *National Intelligencer*, Sept. 21, 1848.

[2] 'I have been unable to determine at whose solicitation he made the trip to Massachusetts.' Arthur P. Rugg in *Pro'd'gs. Worcester Socy. An't'y.* xxv, 228.

'I have wondered how Mr. Lincoln happened to come in 1848.' E. L. Pierce to Herndon, 1891. Weik MSS. The surmise that Hudson invited Lincoln is not supported by proof of any kind.

[3] 'Mr. Lincoln in Congress did not make much impression on Mr. Winthrop.' E. L.

anywhere during this campaign. Even at Georgetown he was not one of the speakers at a Whig ratification meeting where several Whig Representatives spoke;[1] nor did he appear at any of a large number of similar party gatherings in towns near Washington. Neither the *National Intelligencer* nor the *Battery* makes mention of him, although they printed speeches and letters by men so inconspicuous that their identity cannot now be determined without careful research.

Lincoln arrived in Worcester sometime during the day before the Whig State Convention which was held at that place September 13, 1848. Nobody knew that he was in town. The local Rough and Ready Club had arranged for a Whig meeting at the City Hall[2] the night before the Convention assembled; and Alexander H. Bullock, chairman of the local Whig Committee and a member of the Whig State Central Committee, had asked several men of prominence to speak at the City Hall gathering. None of them accepted, however, and Bullock was in distress until he heard that a Whig Congressman from Illinois, had arrived and was stopping at the hotel. The perturbed chairman sought him out and asked him to address the meeting, warning him of the excessive political bitterness then prevailing in the Worcester district.[3]

So it came about that Lincoln spoke at Worcester. The correspondents of two Boston papers,[4] both ardently Whig, were on hand for the State Convention next day, and sent reports of his remarks to their papers. Thus the Worcester speech was the only one of Lincoln's addresses reported during the campaign; and the account of it is of no value except as showing the matter which Lincoln, when delivering the speech in the House, said he had to leave out on account of time.

He was introduced as 'a representative of *Free Soil*,' a state-

Pierce to Herndon, no date. Weik MSS. In Winthrop's correspondence (Mass. Hist. Socy.) no mention of Lincoln is made at this time nor for many years afterward.

[1] *Battery*, Aug. 3, 1848.

[2] Arthur P. Rugg to Weik, June 25, 1909. Weik MSS. Mechanics Hall, where it has been said Lincoln made the Worcester speech, was not built until 1857. Rugg, 231, 233.

[3] *Ib.*, 229.

[4] *Boston Advertiser* and *Boston Atlas*. These papers were 'inordinately abusive of the Free Soilers.' Pierce, III, 177–9.

ment which he did not correct; to have done so would have spoiled the effect on the Free Soilers in the audience, whose desertion of the Whig party Lincoln wished to check. He wore a long linen duster,[1] and the reporter described him as 'a very tall and thin' person with an 'intellectual face, showing a searching mind, and a cool judgment.' He spoke eloquently for an hour and a half, 'only interrupted by warm and frequent applause.'

There was nothing new in Lincoln's speech at Worcester and other places in New England, except his brief mention of the slavery question and his argument that Free Soilers and Abolitionists ought to vote for Taylor. 'The people of Illinois agreed entirely with the people of Massachusetts' on slavery, he said, 'except perhaps that they did not keep so constantly thinking about it. All agreed that slavery was an evil, but that we were not responsible for it and cannot affect it in States of this Union where we do not live.' But we could control the '*extension*' of slavery into new territories.

In that respect the 'Free Soil' party was far behind the Whigs, Lincoln argued, because 'the new party had no principle except this opposition' to the enlargement of slave territory. 'If their platform held any other, it was in such a general way that it was like the pair of pantaloons the Yankee peddler offered for sale, "large enough for any man, small enough for any boy."' So the new party was 'working for the election of either Gen. Cass or Gen. Taylor,' for everybody knew that it could not elect its own candidate, Van Buren. The election of Cass meant the probable extension of slavery. So the Free Soilers ought to vote for Taylor.

The Democrats had annexed the new territory, and how absurd of the Liberty men to 'unite' with them for the purpose of preventing the extension of slavery in that very territory! Yet, in practical effect, that was what the Free Soilers would do, if they voted for Van Buren. A vote for the Free Soil, anti-slavery candidate would be half a vote for the Democratic candidate. Even if the Free Soil candidate should be elected President, he could not '*prevent*' the extension of slavery; and

[1] Rugg, 235.

Lincoln was confident that Taylor 'would not encourage it,' nor yet 'prohibit its restriction.' But if Cass were elected 'the plans of farther extension of territory would be encouraged, and those of the extension of slavery would meet no check.'

The use of the name 'Free Soil' by the new party was dishonest, since it implied that the Whigs 'were *not* Free Soil men.' The slogan of the Free Soilers that they would 'do their duty and leave the consequences to God,' was a poor 'excuse for taking a course they were not able to maintain by a fair and full argument.' What was the 'duty' of the Free Soilers, about which they talked so much? Merely to shout the word duty, did not explain it; 'if it did we should have no use for judgment we might as well be made without intellect.'

Unless divine or human law directed us what to do, duty could be determined only by the use of 'our most intelligent judgment of the consequences' of any act. But was there 'divine law, or human law for voting for Martin Van Buren?' or did 'first reasoning' show that voting for him would produce the results which the Free Soilers 'pretended to wish'? If so Lincoln would give up the argument. All that the Free Soilers were doing was to help elect Cass; and so, 'they were behind the Whigs in their advocacy of the freedom of the soil.'

After this foggy attempt to show that the Free Soilers did not know what the word 'duty' meant and had no real 'principle' as to slavery, Lincoln proceeded to show that the new party 'had *less* of principle than any other' party. Look at the ridiculous Free Soil Convention at Buffalo! Notwithstanding the denunciation of the Mexican War by former Whigs who had turned Free Soilers, their platform was silent on that subject. Why? 'Because the Van Burens [Free Soil Democrats] had been known to have supported it.' Where was 'principle' in that evasion? Did the Free Soilers still think that the two old parties were 'dissolved,' as the Free Soil platform asserted? If so, what about the recent Whig triumph in Vermont?

Lincoln assured his audience that 'he had opportunities [as one of the Whig campaign managers in Washington] of hearing from almost every part of the Union from reliable sources, and had not heard of a country [county?] in which we [Whigs] had

not accessions from other parties.'[1] So let 'true Whigs come forward' and victory was certain. Let all who believed in 'keeping our fences where they are and cultivating our present possession,' all who believed in 'improving the morals and education of the people, . . . all real Whigs, friends of good honest government' vote for Taylor, and 'the race is ours.'

What a candidate Taylor was! 'Just the man to whom the interest, principles, and prosperity of the country might be safely intrusted,' a man who always did his duty asking neither praise nor reward, a man who never failed in anything he undertook no matter how hard, how seemingly impossible, a man whose character was so noble that Lincoln 'could not eulogize it if he would.'

The motive of Lincoln's speech was the folly and evil of the Free Soil party, its certain failure, its waste of Whig votes — the precise points which the old line Whigs had been making with vituperation and abuse against the Whig opponents of Taylor and his platform, and which Sumner, in the burst of lofty eloquence we have read, had answered six weeks before in that same town of Worcester.

During his speech Lincoln 'repeated anecdotes, told stories admirable in humor and in point, interspersed with bursts of true eloquence, which constantly brought down the house,' relates one of the audience. 'His sarcasm of Cass, Van Buren, and the Democratic party was inimitable, and whenever he attempted to stop, the shouts of "Go on! go on!" were deafening.'[2]

The correspondent of the Boston Whig paper which reported Lincoln's speech, described the conclusion of the meeting thus: 'At the close of this truly masterly and convincing speech, the audience gave three enthusiastic cheers for Illinois, and three

[1] This otherwise curious statement is explained by the fact that Lincoln was helping to direct the Whig national campaign; but he had received letters that were far from optimistic.

[2] Henry J. Gardner to Herndon, in Rugg, 230. Gardner's statement, though obviously subject to the defects of all narratives given forty years after the incident described, fixes the identity of the Worcester speech with the stump speech Lincoln had made in Congress not long before. Gardner was to be the Know-Nothing governor of Massachusetts.

more cheers for the eloquent Whig member from that state.'[1] The Worcester papers made little mention of the meeting or of Lincoln's speech. One said only that he spoke.[2] Another was laudatory, though brief: 'For sound, conclusive reasoning and ready wit it [Lincoln's speech] is unsurpassed in the campaign. It was listened to by the crowded audience with an untiring interest, applauded during its delivery, and enthusiastically cheered at its close.'[3]

But Lincoln said one thing which the Whig papers did not report. At Worcester, testifies E. L. Pierce, who was present, 'he gave offence by saying "I have heard you have abolitionists here. We have a few in Illinois and we shot one the other day."[4] The Free Soil papers criticised the passage and he did not repeat it.' But, on the whole, Lincoln 'was greatly liked,' continues Pierce; his 'was a style new to our people, and there was a general call for him as a speaker.'[5] Next morning Lincoln and several others spoke briefly to a crowd of delegates and citizens near the railway station.[6]

At the Convention, Winthrop, Choate, Hudson, and other Whig chieftains, following the lead of Webster, begged Whigs to stand by their disrupted party. A platform was adopted far in advance of any Whig party avowal that had been made. Protection, sound money, internal improvements, were briefly endorsed; but resistance to slavery was the dominant feature. 'We stand . . . on the *platform of free labor, a free press, and free soil.* The whigs of the North, and especially the whigs of Massachusetts, may rightfully claim the appellation of the *free soil party.*' The Massachusetts delegation in Congress had opposed slavery for a quarter of a century, maintained the right of petition, upheld the liberty of the press.[7]

[1] *Boston Advertiser,* Sept. 14, 1848, reporting Lincoln's Worcester speech, Sept. 12; *Works,* II, 89–96.

[2] *Worcester Palladium,* as quoted in Rugg, 232.

[3] *National Ægis,* Rugg, 232–3.

[4] This reference was to the killing of Lovejoy.

[5] E. L. Pierce to Herndon, no date; Rugg, 234.

[6] *Worcester Spy,* in *ib.,* 233.

[7] Address adopted by the Whig State Convention at Worcester, Sept. 13, 1848. Italics in original. The Platform was long; but the part given in the text was the rallying cry to all Whigs opposed to slavery.

Throughout the proceedings Lincoln was a silent listener.[1] No attention whatever seems to have been paid to him;[2] but he was present at a political and social function that night. The venerable Levi Lincoln, former Governor of Massachusetts, lived in Worcester. He was a rich man, lived in a fine house, and always gave a dinner when any notable assemblage was held in that town; and he did so on the occasion of the Whig State Convention of 1848 which named him as presidential elector at large.[3]

His guests were Choate, Ashmun, and several others, including the Illinois orator of the preceding evening. Nearly forty years afterward, one who was present and who recalled with remarkable accuracy that 'the dining-room and table arrangements were superb, the dinner exquisite, the wines abundant, rare, and of the first quality,' also distinctly remembered the jokes between the aged and the younger Lincoln about their 'presumed relationship.' A remark of Lincoln's thus treasured was: 'I *hope* we belong, as the Scotch say, to the same clan; but I *know* one thing, and that is, that we are both good Whigs.'[4]

Lincoln himself seems to have been more deeply impressed with this social affair than with any incident of his visit; for when President, he is said to have described the occasion with photographic minuteness. 'I had been chosen to Congress then from the Wild West,' he is reported to have recounted, 'and with hayseed in my hair I went to Massachusetts, the most cultured State in the Union, to take a few lessons in deportment. That was a grand dinner — a superb dinner; by far the finest I ever saw in my life. And the great men who were there too! Why I can tell you just how they were arranged at table.' And we are assured that Lincoln then proved his remarkable memory.[5]

[1] The speeches of Winthrop and Choate were fervent pleas for Whigs not to leave their party. *National Intelligencer*, Sept. 23, 26, 1848.

[2] 'The member from Illinois . . . was that day and in that body unknown and unheard.' A. H. Bullock, as quoted by Rugg, 229.

[3] *Boston Advertiser*, Sept. 14, 1848.

[4] Henry J. Gardner to Herndon, 1890; Rugg, 229–30.

[5] Same to same, in *ib.*, 230.

After his success at Worcester, Lincoln was asked to speak at Chelsea, Dedham, Cambridge, and Lowell.[1] He made the same speech everywhere and with uniform success. The City Hall at Lowell was 'filled to its utmost capacity,' and the Whig paper loyally declared that the orator from Illinois showed 'beyond a peradventure, that it is the first duty of Whigs to stand united' and beat the Democrats who had hurt the country so badly. Lincoln's speech was 'frequently interrupted by bursts of warm applause;' and the meeting closed with 'cheer after cheer for Taylor and Fillmore.'[2]

Finally on September 22, 1848, Lincoln spoke in Boston. This meeting was held in Tremont Temple.[3] The principal speaker, William H. Seward, was a man of singularly calm and gentle manner, grave but cordial, with a face of marked intellectuality, and the restrained eloquence of the great orator. He had been Governor of New York for four years and was then the personage upon whom the anti-slavery forces of that State had, by common consent, united for the United States Senate the following year. Determined, suave, and fertile in resource, he was the most promising of the rising statesmen of the day. Eight years older than Lincoln, Seward was the outstanding leader of the movement that was to create the Republican party. He had come to Massachusetts because of the bold declarations in the Whig platform adopted at Worcester.

For the first time, on the stump in a political campaign, Lincoln heard a speaker of the highest rank. He was, Seward began, of Cicero's mind when the alternative was Cæsar or Pompey. 'He knew whom he ought to avoid, but had some hesitation whom he ought to follow.' However he was 'a disciple of the Whig doctrines promulgated by the Whigs of Massachusetts;' and, considering that either Cass or Taylor

[1] Pierce to Herndon, no date. Weik MSS.

[2] *Lowell Journal and Courier*, Sept. 18, 1848.

It is worthy of note that Taylor fell short, by 12,000 votes, of a majority in Massachusetts over Cass and Van Buren, and that the Legislature chose the presidential electors of that State. *National Intelligencer*, Nov. 9, 1848.

[3] The meeting was to have been held in Court Square, but, because of rain, it was held in Tremont Temple. The Secretary of the meeting was Ezra Lincoln. *Boston Advertiser*, Sept. 22, 1848. Advt.

would be elected, he was for the Whig ticket. But the dominant note of Seward's speech was resistance to slavery and to the South. 'The time would come,' he said, and that, too, in his day, 'when the free people would free the slaves in this country. This is to be accomplished by moral force, . . . without injustice . . . by paying a full remuneration for so great a blessing.' Of the Whig and Democratic parties, one had 'its foundations in South Carolina, the other on the Rock of Plymouth.' If the third party should 'draw off all the advocates of Liberty, . . . we shall have left the two great parties, ready to bow before the aristocracy of the South.'[1]

We can only conjecture the effect of Seward's method and manner on the speaking of Lincoln; but when we again listen to him on the stump, we find him making speeches so unlike those of the party-politician phase of his life now drawing to a close, that another and entirely different man seems to be delivering them. Next day Lincoln said to Seward: 'I have been thinking about what you said in your speech. I reckon you are right. We have got to deal with this slavery question, and got to give much more attention to it hereafter than we have been doing.'[2] One of the greatest qualities of Lincoln, if, indeed, not the very greatest, was his eagerness to learn, his capacity to grow.

Lincoln returned to Illinois by way of Albany, Buffalo, and the Lakes, and somewhere on the journey Mrs. Lincoln joined him. If he made a speech on the way there is no record of the circumstance. As has been said, the national Whig organ at Washington published accounts of meetings and addresses at widely separated parts of the country;[3] but not a line of any speech by Lincoln. At Albany he called on Thurlow Weed and talked over the political situation with that skilful politician. While at Buffalo he saw Niagara Falls and, afterward, expressed

[1] *Boston Atlas*, Sept. 23, 1848.

[2] Memoirs of Seward: 79–80 *n.*

[3] For example, Winthrop's and Choate's speeches at the Mass. Whig Convention (*National Intelligencer*, Sept. 23, 26); Corwin at Carthage, Ohio, and at Cincinnati (*ib.*, Oct. 10, 17); Rives at Richmond, Choate at Salem, Mass.; Bell at Murfreesborough, Tenn., Chilton Allen at Winchester, Ky. (*ib.*, Oct. 12); Baker at St. Louis (*ib.*, Sept. 2); Stephens, Toombs, and Berrien in Georgia (*ib.*, Sept. 22).

his wonder at where so much water came from.[1] He reached Chicago on October 5, went to the Sherman House, and notice appeared the next day in the *Chicago Daily Journal* of a Whig rally that night at the Court House, with Lincoln as the principal speaker. 'We trust to see a spontaneous rally this evening,' said that journal. 'The notice is short, but "Old Zack's" soldiers are all minute men.' Although called on six hours' notice the attendance was so large as to force an adjournment to the Public Square, where Lincoln spoke for two hours, giving the same facts and arguments he had used in Massachusetts. He was 'listened to throughout with great attention' and the favorable *Journal* described his speech as 'one of the very best we have heard or read, since the opening of the campaign.'[2]

Finally he reached home, but no mention of his arrival was made in any paper. What further part he took in the campaign in Illinois does not appear, except that at one meeting in a small town in Sangamon County, just before the Presidential election, the crowd was unfriendly and a Democratic speaker handled him roughly. As we have seen, Logan had been overwhelmed in the August elections.[3] The result of Lincoln's first session in Congress had been a political revolution among his constituents,[4] and, again going by the way of St. Louis and the Ohio,[5] he returned to Washington a dispirited man. In spite of Illinois, Taylor had been elected just as Harrison had won eight years before, and by identical campaign methods; [6] the Democrats

[1] Herndon, II, 297. [2] *Chicago Daily Journal*, Oct. 6, 7, 1848.

[3] In Menard County all the county officers who were elected had been in the war. *Illinois State Register*, Aug. 13, 1847.

[4] The Democrats conducted the campaign on the ground that the Whigs, by moral support, had given 'aid and comfort to the enemy.' *Ib.*, Sept. 24, 1847.

[5] Lincoln to C. R. Welles, Feb. 20, 1849. Tracy, 37–8.

[6] Of the States which went for Polk in 1844, New York, Pennsylvania, Georgia and Louisiana gave their electoral vote to Taylor in 1848. Ohio changed from Whig in 1844 to Democratic in 1848. Of the States admitted between these years, Wisconsin, Iowa, and Texas went for Cass and Florida for Taylor.

In the Northern States, the unpopularity of Polk was a powerful factor in the Democratic defeat: 'There is an intense desire to put down the Administration and to defeat Gen'l. Cass.' Edward Everett to Winthrop, Cambridge, Mass., July 1, 1848. MS. Winthrop Papers, Mass. Hist. Socy. The tariff, internal improvements, and national finances, as well as bad distribution of patronage, had more to do with Taylor's success in the North than the reaction against the war.

The change of popular votes in the Southern States was strongly favorable to the

were out, the Whigs in, and there was much patronage to be distributed.

Personal troubles added to Lincoln's political distress. His father had never struggled out of the morass of poverty in which he had floundered all his life — seemingly he made little effort to do so; and, when attending court at Charleston, Lincoln had sometimes given him little sums of cash, or assigned to him small notes of clients for fees. Lincoln's step-brother, John D. Johnston, too, was as thriftless as Thomas Lincoln himself, and both of them often begged Lincoln for money. One of these appeals came to him soon after he reached Washington.

His father wrote by the hand of Johnston that he must have twenty dollars at once, or lose his land; he had collected two or three small notes given him by Lincoln, but could not raise another dollar. He had hoped that his son would have come to see his parents on his way to Washington, but since he did not, 'Father' must write. On the same sheet John D. Johnston wrote a long letter, pleading, dejected, pathetic, and revealing. Johnston owed seventy or eighty dollars, he said, and could not pay, had neither cash nor property. 'I am dund and doged to death So I am most tired of living and I would all most Swop my Place in *Heaven* for that much money. I now you will think little of this for you never had the Tryal, but Abe, I would drother Live on bread and wotter than to have men allways duning me.'

Johnston would pay 'any' interest, he assured Lincoln, and

Whigs: Virginia, 5,893 majority for Polk and only 1,453 for Cass; Mississippi 5,920 for Polk and but 615 for Cass; Alabama 11,656 for Polk and a mere 881 for Cass; Louisiana 699 for Polk and 2847 for Taylor; Arkansas 4,042 for Polk to 1,712 for Cass. Tennessee gave Clay a majority of 113, while it went for Taylor by a majority of 6,286; Kentucky 9,267 for Clay and 17,421 for Taylor; North Carolina 3,955 for Clay and 8,681 for Taylor.

In Illinois the Whig gain was even greater, Cass carrying the State by only 3,523 while Polk had 12,392 majority in 1844. Birney had received 3,570 votes in Illinois in 1844, and Van Buren 15,774 in 1848. That the Democrats saved Illinois in 1848 was due solely to the exertions of Douglas.

In Massachusetts the Democrats were even more divided than the Whigs. Taylor received 61,070 votes, Cass, 35,281 and Van Buren, 38,058. Evidently the Free Soilers drew more heavily from the Democrats than from the Whigs.

As the total vote for Taylor was 1,360,099, for Cass, 1,220,544 and for Van Buren, 291,263, the importance of the third party movement in influencing the result can hardly be overestimated.

'Father will make you a Deed for all his land when you Come in the spring.' If Lincoln would send one hundred dollars, he should have all the land when Father dies.

Johnston said that he thought he could 'rays' that much money for Lincoln in three years. 'I could rayse a calf and Pig of my owen for *Tom* and *Abe* [Johnston's children] can now Doe nearly as much work in a crop as a man. I candadley would Drother never own a foot of land than to not pay my debts, nor lave any to my childern Indeed I would drother give possession now than to live here and have men a watching me to see if I hadent something the law would take to sit a man wonst behind hand in this Country and no other way to make a Living only by hiz laber it will take his Life Time to get out and pay the Cash if he has a large family.'[1]

Lincoln responded to his father's request, but frankly stated his doubt of the truthfulness of the old man's plea. 'I very cheerfully send you the twenty dollars, which sum you say is necessary to save your land from sale. It is singular that you should have forgotten a judgment against you; and it is more singular that the plaintiff should have let you forget it so long, particularly as I suppose you always had property enough to satisfy a judgment of that amount. Before you pay it, it would be well to be sure you have not paid, or at least that you cannot prove that you have paid it.'[2]

The letter of his step-brother Lincoln ignored. With these fresh reminders of the wretched poverty of his relatives in Coles County, with the squalid spectre of his childhood and youth again rising before him, and with the conviction that his political ambitions, so dear to his heart, never again could be gratified, it was a disconsolate Lincoln who, on December 7, 1848, took his seat in the House for the short session of the thirtieth Congress. This time his wife did not accompany him to the capital, nor did she come on for the inauguration of Taylor.

Except for brief remarks on a bill granting lands to states for

[1] Thomas Lincoln and John D. Johnston to Lincoln, Coles Co., Dec. 7, 1848. MS. owned by Mr. Alexander W. Hannah, Chicago, Ill. The same hand, presumably Johnston's, wrote the two letters.

[2] Lincoln to his father, Dec. 24, 1848. *Works*, II, 96. It took fifteen days for the letters of Lincoln's father and step-brother to go from Charleston, Ill., to Washington.

the building of railroads and canals, Lincoln said nothing during the whole session. At an early day the Wilmot Proviso, or rather the idea which it expressed that slavery should be excluded from territories acquired from Mexico, twice came to a vote; and Lincoln supported it both times.[1] Thus during his term in Congress he voted five times for the principle of the Wilmot Proviso.[2] While most of these votes were indirect, the issue was distinctly presented, and Lincoln's record was as clear and positive as any number of votes could have made it.[3] He voted, too, against extending over California and New Mexico the Constitution and laws of the United States, as did most anti-slavery men of all parties.[4]

More than ever slavery was the supreme object of discussion and debate.[5] Reference was made to the capture and imprisonment of the Georgetown slaves during the last session, and abolition of the slave-trade in the District of Columbia was again advocated with fiery vehemence. With this extreme measure Lincoln was not sympathetic, going so far as to vote, with all Southern members and in opposition to most Northern members, against permitting Palfrey to introduce a bill to repeal all laws 'establishing or maintaining slavery or the slave trade in the District of Columbia.'[6]

[1] Dec. 13, 1848. Joseph M. Root of Ohio offered a resolution for a bill for territorial government in New Mexico and California 'and excluding slavery therefrom.' A motion to table was beaten by a vote of eighty ayes to one hundred and six nays, Lincoln and all anti-slavery men voting nay. *House Journal*, 30th Cong. 2nd Sess., 98–9. Five days later a motion to reconsider was beaten by practically the same vote, Lincoln again voting nay. *Ib.*, 105–6.

[2] Three times during the 1st and twice during the 2nd session.

[3] Lincoln's statement in 1854 that he had voted for the Wilmot Proviso forty times while in Congress, was merely a campaign exaggeration in which all stump-speakers then indulged.

[4] *House Journal*, 30th Cong. 2nd Sess., 600–2.

[5] Early in the first session, many petitions to abolish slavery in the District of Columbia were tabled, Lincoln always voting nay on such motions. *House Journal*, 30th Cong. 1st Sess., 139–40, 160–1; against extinction of slavery throughout the Union, 167–8; 251–3 (Giddings' resolution to investigate a slave kidnapping in D.C.); 324–5 (Giddings' resolutions to inquire about slave-trade in D.C.). Anti-slavery petitions from Illinois were introduced by Amos Tuck of New Hampshire. *Ib.*, 887. Tuck also introduced Illinois petitions to end the war, and to extend the Ordinance of 1787 over Oregon and Turner of Illinois, over all territory acquired from Mexico. *Ib.*, 887, 1037.

[6] *Cong. Globe*, 30th Cong. 2nd Sess., xx, 30–8, Dec. 13, 1848. Andrew Johnson also

Speaking on a claims bill providing for payment for a slave, Giddings made a ferocious attack on slavery — robbery or piracy were 'crimes of small importance compared with' slavery. The slave States might keep their 'foul contagion,' but they could not make 'slave dealers . . . traders in humanity' of other States.[1] Excitement was tense, subdued, dangerous. In Illinois a wave of negro kidnappings, as well as of the capture of fugitive slaves, had started and was sweeping over the State.[2] In this temper of the House, which had grown more serious in the three days since Giddings' defiance, and in this condition of his State, Lincoln rose on January 10, 1849, and read an amendment which he said he would make to a resolution to instruct the Committee on the District of Columbia to report a bill abolishing slavery in the District.

He proposed to direct the Committee to bring in a bill providing that slavery in the District should be confined to the slaves then living in the District; that they should not 'be held in slavery within the limits of said District,' except that Government officials who owned slaves might bring in and take out 'the necessary servants of themselves and their families,' when such officials were in Washington 'on public business'; that 'children born of slave mothers within said District' after January 1, 1850, should be free and supported and educated by the owners of the slave mothers, but should serve as apprentices until a fixed age when they should 'be entirely free'; that negroes now slaves in the District should continue as such 'at the

voted nay on this historic ballot. So did men like Rhett and Cobb. Greeley, Giddings, Palfrey, and all strong anti-slavery men voted aye.

Noteworthy, too, was the resolution offered, December 21, 1848, by Daniel Gott of New York, reciting that 'Whereas the traffic now prosecuted in this metropolis of the Republic in human beings, as chattels, is contrary to natural justice and the fundamental principles of our political system, and is notoriously a reproach to our country throughout Christendom, and a serious hindrance to the progress of republican liberty among the nations of the earth;' a bill should be reported, as soon as practicable, prohibiting the slave-trade in the District of Columbia. On a motion to lay the resolution on the table there were eighty-one ayes and eighty-five nays, Lincoln voting aye. On taking the main question there were one hundred and thirteen ayes and sixty-three nays, Lincoln voting nay. The resolution was then adopted by ninety-eight ayes and eighty-eight nays, Lincoln voting nay. *Ib.*, 83–4.

[1] *Cong. Globe*, 30th Cong. 2nd Sess., xx, 174–7.

[2] *Gem of the Prairie*, Oct. 7, 1848; *Chicago Democrat*, Sept. 26, 1848; *Quincy Whig*, May 1, July 10, 1849; *Western Citizen*, Sept. 25, Dec. 4, 1849.

will of their owners,' but that, if any owner wished to free a slave he should be paid out of the national treasury the value of the slave, which value should be determined by a slave-valuation board composed of the President, Secretary of State, and Secretary of the Treasury, to meet once a month for that purpose; and that this board should issue 'a certificate of freedom' to any slave thus paid for.

To this scheme Lincoln attached a section which infuriated Abolitionists and which gave Wendell Phillips the excuse to denounce Lincoln as 'that slave hound from Illinois' when, years afterward, he became a figure in national politics. 'The municipal authorities of Washington and Georgetown, within their respective jurisdictional limits, are hereby empowered and required to provide active and efficient means to arrest and deliver up to their owners all fugitive slaves escaping into said District.'

Finally Lincoln's bill provided for an election at which 'every free white male citizen' of the District who was twenty-one years old and had lived there for one year or more, should vote for or against the project; the President to 'canvass said votes immediately' and, if a majority were for the bill, to 'forthwith issue his proclamation giving notice of the fact,' after which the law should 'be in full force and effect.' [1]

When he had finished reading his bill, Lincoln made a curious and confusing statement: 'he was authorized to say' that the bill had been approved by 'about fifteen of the leading citizens of the District of Columbia to whom this proposition had been submitted.' Perhaps they might not vote for it at an election, but 'he had authority to say that every one of them desired that some proposition like this should pass.' [2]

'Who are they? Give us their names,' cried several members. But Lincoln made no answer, and the business of the House

[1] *Works*, II, 96–100. *Cong. Globe*, 30th Cong. 2nd Sess., XX, 212. In all editions of Lincoln's Works, the date of the introduction of this measure is given as Jan. 16. The amendment was never formally introduced. Lincoln read it to the House Jan. 10, as stated in the text; on Jan. 16, he gave notice of a motion for leave to introduce it as a bill (*ib.*, 244); but the record does not show that he did so.

[2] *Ib.*, 212, Jan. 10, 1849. This was practically the number of citizens whose petition against the slave-trade in the District was presented by Giddings at the first session. Undoubtedly they were the same persons to whom Lincoln so mysteriously referred.

went on.[1] That business was a motion to reconsider the vote by which the Committee on the District of Columbia had been instructed to bring in a bill against slavery in the District. The Abolitionists and opponents of slavery in both parties, did not want reconsideration and moved to table the motion. This was beaten by the crushing majority of forty votes, Lincoln voting against them, as did such Northern men as Caleb B. Smith and Richard W. Thompson of Indiana, together with all Southern members and those unsympathetic with abolition.[2] By practically the same vote given by the same men, reconsideration was ordered; whereupon Caleb B. Smith offered an amendment against the slave-trade in the District and John M. Botts of Virginia moved 'to lay the whole subject on the table,' which was defeated, Lincoln voting against it, as did all anti-slavery men of every shade of opinion.[3]

Three days later Lincoln gave notice that he would formally introduce his District slavery bill;[4] but, except for flashes of debate now and then, nothing more was done on the subject for nearly three weeks. On January 31, 1849, the District Committee reported its slave bill, which merely prohibited the slave-trade in the District. A motion to table the bill was beaten by a majority of forty-five votes, Lincoln voting nay.[5] Spirited debate sprang up in which the wrong of slavery, the encouragement by Abolitionists of slave uprisings, the danger of disunion, and every phase of the slavery question was passionately discussed. In this debate Lincoln took no part.

Throughout the session Southern members had been in a state of despair and desperation. During 1848 the price of cotton had fallen to ruinous depths; for years the Abolitionists had been growing bolder; at each new session of Congress bills of one kind and another against slavery received ever stronger support; and now the prospect was that slavery would be ex-

[1] *Cong. Globe*, 30th Cong. 2nd Sess., xx, 212. Very few persons in Washington were opposed to slavery. Jesse E. Dow received scarcely any votes for Mayor because he declared for a public school for free colored children. Bryan, II, 388–9.

[2] *Ib.* The vote was eighty to one hundred and twenty.

[3] *Ib.*, 216.

[4] *Ib.*, 244.

[5] *Ib.*, 415–6. The vote was seventy-two ayes, one hundred and seventeen nays.

cluded from the territory acquired from Mexico. Turn in whatever direction they would, dark prospects confronted the Southern people.[1]

In this situation members of Congress from the South held a conference.[2] After long discussion, all except Stephens, Toombs, and a few others agreed that they should make to their constituents a public statement of the situation. Calhoun was chosen to write it.

Since reference must be made to this address hereafter, only a hasty outline of it can be given at this place. Lincoln's District slave bill was a moving cause of Calhoun's indictment of the North, it was issued while Lincoln was in Congress, and it became the principal subject of talk among his fellow-members toward the close of his term.

Called 'The Address of the Southern Delegates in Congress, to their Constituents,' it set out in simple language the Southern point of view — the wrongs of the South, the rights of the South, the plight of the South. The Constitution had been flagrantly violated; although the North had forced the Missouri Compromise on the South, the North ignored it; Abolitionists despised the fundamental law of the nation and were fast undermining the vital idea of the Federal Government; bills at the present session, especially that of 'a member from Illinois,' spelled disaster — social, political, economic catastrophe — for the South.

Then Calhoun came to the real issue. Deeper, far deeper, than the wanton infractions of the Constitution, was the racial question. 'To destroy the existing relation between the free and servile races at the South would lead to consequences unparalleled in history. They cannot be separated, and cannot live together in peace, or harmony, or to their mutual advantage, except in their present relation. Under any other, wretchedness, and misery, and desolation would overspread the whole South.'

Emancipation 'can . . . only be effected by the prostration of the white race;' and this can only be brought about by the Federal Government controlled by the 'dominant power of the Northern States . . . against the resistance and struggle of the

[1] Channing, VI, 67–8. [2] Dec. 23, 1848. Stephens was chairman.

Southern.' And what would follow emancipation? Would the North stop there? Certainly not — the former slaves would be given 'the right of voting and holding public offices under the Federal Government.'

Negroes vote and hold office! That would mean 'to raise them to a political and social equality with their former owners.' And then what? 'They [negroes] would become the fast political associates of the North, acting and voting with them on all questions, and by this political union between them, holding the white race at the South in complete subjection. The blacks, and the profligate whites that might unite with them, would become the principal recipients of federal offices and patronage, and would, in consequence, be raised above the whites of the South in the political and social scale.

'We would, in a word, change conditions with them — a degradation greater than has ever fallen to the lot of a free and enlightened people, and one from which we could not escape, should emancipation take place (which it certainly will if not prevented), but by fleeing the houses of ourselves and ancestors, and by abandoning our country to our former slaves, to become the permanent abode of disorder, anarchy, poverty, misery, and wretchedness.'

What must the South do to avert that impending doom? 'The first and indispensable step, without which nothing can be done, and with which everything may be, is to be united among yourselves on this great and most vital question.' Without Southern unity in the matter of the dominance of the white race 'the North will not believe that you are in earnest in opposition to their encroachments, and they will continue to follow, one after another, until the work of abolition is finished.' But 'if you become united, and prove yourselves in earnest, the North will be brought to a pause, and to a calculation of consequences.' Thus a change of measures might be brought about which would 'quietly and peaceably terminate this long conflict between the two sections.

'If it should not, nothing would remain for you but to stand up immovably in defense of rights, involving your all — your property, prosperity, equality, liberty, and safety.

'As the assailed, you would be justified by all laws, human and divine, in repelling a blow so dangerous, without looking to consequences, and to resort to all means necessary for that purpose.' [1]

Through the remainder of the session the debate raged on; but Lincoln took no further part. As we have seen, he did not introduce his District slave bill and, when early Sunday morning, March 4, 1849, the thirtieth Congress expired, nothing had been done on that subject. The House sat all night. Winthrop made a short and admirable speech of appreciation of his treatment by the House as its Speaker; and at seven o'clock, that body adjourned *sine die*.[2]

[1] Calhoun, VI, 290–313.

Stephens had little sympathy with the objects of the conference. Both he and Toombs looked upon them as intended to divide the Whigs of the South and so weaken the President-elect as to oblige him to turn to the Southern Democrats for support. 'The Southern Democracy are perfectly desperate,' wrote Toombs. 'Their Northern allies, they clearly see, will unite with the Freesoilers; and even now the peace is broken between them forever. Almost every man of the Southern Democrats have joined Calhoun's movement. After mature consideration, we concluded to go into the meeting in order to control and crush it; it has been a delicate business, but so far we have succeeded well and I think will be able to overthrow it completely, on the 15th inst.' He later wrote that 'we have completely foiled Calhoun in his miserable attempt to form a Southern party.' Calhoun's paper was recommitted by a vote of forty-two to forty-four, was 'whittled down to a weak milk and water address to the whole Union, and in that form received only forty-eight signatures, of which two were Whigs. Some Democrats refused to sign.' Toombs to Crittenden, Jan. 3 and 22, 1849. *Rept. Am. Hist. Assn.*, 1911, II, 139–41.

The effect of the 'Address' at the time was rather to divide the Southern Democrats. Cobb and Lumpkin of Georgia and Boyd and Clarke of Kentucky issued to their constituents an address in reply, and Cobb wrote to his wife of the 'erratic call of the madcap South Carolinian.' *Ib.*, 145. Writing to Buchanan he directed attention to Calhoun's purpose of 'organizing a *Southern sectional party* to supplant in the South the *Democratic party*,' and called Calhoun 'our evil genius.' *Ib.*, 164. Later the importance of the Address was recognized.

[2] *House Journal*, 30th Cong. 2nd Sess., XX, 672–3. An extract from his brief address of farewell throws a clear light on the times and reveals the deep concern of moderate men for the preservation of the Union:

'Let us rejoice that while the powers of the earth have almost everywhere else been shaken, that, while more than one of the mightiest monarchies and stateliest empires of Europe have tottered or have fallen, our own American republic has stood firm.

'Let us rejoice at the evidence which has thus been furnished to the friends of liberty throughout the world, of the inherent stability of institutions which are founded on the rock of a written Constitution, and which are sustained by the will of a free and intelligent people.

'And let us hope and trust — as I, for one, most fervently and confidently do — that, by the blessing of God upon prudent, conciliatory, and patriotic counsels, every cause of domestic dissension and fraternal discord may be speedily done away, and that the

In such fashion Lincoln's services in Congress came to an end. He saw Taylor inaugurated, on a cold, gusty day, filled with flurries of rain and snow, went with friends and other members to one of the three inaugural balls, witnessed the hilarity of the gleeful Whigs. But there was no merriment in Lincoln's heart. Measured by any standard, his term in Congress had been a failure. Illinois remained Democratic and, calamity of calamities, his own district, the one Whig stronghold in the State, had been captured by the enemy. Unless he could get some appointment he must go back to the practice of the law and to that alone; for, as he and Herndon, his gloomy wife, and everybody else who thought about the matter at all, then saw it, Lincoln had no political future.

Moreover, the Whig party was beginning to dissolve before his very eyes — nobody but the blindest partisan could fail to see that it could not survive for many more years. The 'most overwhelming, glorious triumph,' which Lincoln had predicted so joyously after Taylor's nomination, had indeed been achieved, so far as that presidential election was concerned; but that 'victory' was the last national success the Whigs ever were to win, the final flare of the burned out candle.

Still greater humiliation for Lincoln than the loss of his district and the eclipse of his popularity was just ahead. The Administration, which he had done his utmost to create, was not only to refuse to give him an office which he wanted badly, but was to fill it with another man against his vigorous and well-nigh angry protest. Midway in the short session of Congress, he had mildly advocated by means of newspaper comment, the appointment of Baker as a member of Taylor's Cabinet,[1] but nothing came of it. At Lincoln's request Speed had asked Crittenden to support Baker, but that powerful Whig declined, saying, however, that he thought well of Lincoln, for some good

States and the people, whose Representatives we are, may be bound together forever in a firm, cordial, and indissoluble union.'

[1] Lincoln to William Schouler, Feb. 2, 1849. *Works*, II, 100–1. 'The Englishman, Baker, who came from the Rio Grande to draw pay, mileage, and a year's stationery, as a member of Congress, is here, with recommendations from legislatures for the post of Secretary of War. What would General Taylor say to such impudent dictation and indelicate solicitation?' Jefferson Davis to John J. Crittenden, Jan. 30, 1849. Crittenden, I, 340. George W. Crawford of Georgia was appointed Secretary of War.

appointment. Lincoln wrote Speed that he could not expect any 'first-class office, and a second-class one would not compensate' his 'being sneered at by others who want it for themselves.' He said that the Whigs in Congress would support him for appointment as Commissioner of the Land Office, but that four of his friends in his own State wanted it, and, what was worse, although he 'could easily take it' for himself, he would have hard work to get it for 'any other man in Illinois.' [1]

There, for the moment, the matter rested and, when Lincoln reached Springfield early in April,[2] he gave attention to the distribution of local patronage. Before he left Washington he had asked that he and Baker,[3] as the 'only Whig members of Congress from Illinois,' should be consulted when any citizen of that State was to be appointed to any office 'either in or out of the State;' [4] and he had sent in several applications for the office of United States Marshal, one of them from a man in 'every way worthy of the office' and supported by 'about two hundred good citizens,' including nearly all Whig members of the Illinois Legislature as well as many Democrats — but, he added, another of the applicants 'would be the better.' [5]

At home again, Lincoln recommended the appointment of Whigs to various offices held by Democrats, saying, however, that he could not complain that the officials had 'failed in the proper discharge of any of the duties' of their respective offices, but that they were active partisans and had worked against the election of Taylor.[6]

Learning that charges had been made against one of the persons he had recommended he acted in characteristic manner. 'I write this to request that, if in this, or any other case, charges shall be sent against persons I have recommended, you will suspend action, and notify me. I will take pains to avoid im-

[1] Lincoln to Speed, Feb. 20, 1849. *Works*, II, 104–5.

[2] April 1. *Illinois State Register*, April 5, 1849.

[3] Baker had been elected from Galena at the same time that Logan had been beaten in the Seventh District.

[4] Lincoln to the Secretary of the Treasury, March 9, 1849. *Works*, II, 105–6. He undoubtedly wrote an identical letter to each member of the Cabinet.

[5] Lincoln to the Secretary of State, March 10, 1849. *Ib.*, 106–7.

[6] Lincoln to Cabinet officers, April 7, 1849. *Works*, II, 107–10.

posing any unworthy man on the Department.' In the special case at hand, he said he was making particular inquiry. 'I am not the less anxious in this matter because of knowing the principal object of the fault-findings to be to stab me.' [1]

Lincoln had been thinking of the General Land Office for himself even before he wrote to Speed that he could get it. But he had promised to support Cyrus Edwards for the place. So when certain of Lincoln's friends wrote him that they were for him, he answered that 'if the office could be secured to Illinois only by my consent to accept it, and not otherwise, I give that consent;' but since he was pledged to Edwards, he 'must not only be chaste, but above suspicion;' he must be 'permitted to say "Give it to Mr. Edwards . . . and I decline it; if not, I accept."' So let his friends go ahead 'with this understanding' and he would 'feel complimented.' [2]

In this tangle of candidacies, Lincoln heard that Justin Butterfield of Chicago was being considered for the place. Butterfield had supported Clay for the presidential nomination, and the aged statesman loyally recommended the appointment of his adherent. Webster, too, urged the appointment of Butterfield, who had been born in New Hampshire and knew Webster well.[3] Lincoln was, at first, displeased, then angered, then furious. Although, he wrote, Butterfield 'is my personal friend and is qualified to do the duties of the office,' he had 'less claims' than any of a hundred Whigs in Illinois who were equally well qualified. Offices 'should be so given as to gratify our friends, and to stimulate them to future [party] exertions.' Butterfield had 'fought for Mr. Clay and against General Taylor to the bitter end;' and now his appointment was being urged to the most important office likely to be given to Illinois. It was too much. 'It will now mortify me deeply if General Taylor's administration shall trample all my wishes in the dust merely to gratify these men.' [4]

[1] Lincoln to the Secretary of Home [Interior] Department, April 26, 1849. Original in the possession of Emanuel Hertz, of New York.

[2] Lincoln to W. B. Warren and others, April 7, 1849. *Works*, II, 110–2.

[3] Elizabeth Sawyer (Butterfield's daughter) to Weik, Oct. 12, 1888; Herndon, II, 301n.

[4] Lincoln to J. M. Lucas, April 25, 1849. *Works*, II, 114–5.

To Duff Green, in Washington, Lincoln protested wrathfully against Butterfield's prospective appointment. 'This ought not to be,' he wrote. Taylor's friends in Illinois 'would quite as lief see it go east of the Alleghanies, or west of the Rocky Mountains, as into that man's hands.' They were already 'sore' about 'old drones,' especially Butterfield, always getting 'all the valuable offices.' Let Green tell the President how matters stand. One Cabinet member would favor Green, but beat Butterfield, using Edwards or Lincoln himself, 'whichever you can to the best advantage.' [1]

Crittenden could 'control the matter,' Lincoln informed Gillespie — so let Gillespie write him or, still better, write 'directly to old Zach,' who still 'hangs fire.' Hurry. Butterfield will be appointed 'unless prevented by strong and speedy efforts. . . . Not a moment's time is to be lost. Let this be confidential except with Mr. Edwards and a few other' trusted friends.[2]

'I give you my word,' he assured Elisha Embree, a Whig member of Congress from Indiana, that Butterfield's appointment would be 'an egregious political blunder. It will give offense to the whole Whig party here.' Would not Embree 'write to General Taylor at once' that either Lincoln or the man he recommended should be appointed, 'if anyone from Illinois shall be.' [3]

Scattering behind him requests for endorsement [4] for his own appointment as Land Commissioner, Lincoln set out for Washington. But he was too late. Indeed it would appear that he never had a chance. The Illinois endorsements of Butterfield on file in the Interior Department were as strong as those for Lincoln; and some of the men he had asked for recommendations, notably Nathaniel Pope, Judge of the United States Court at Springfield, had merely written that the appointment of either Butterfield or Lincoln would give general satisfaction.[5]

[1] Lincoln to Green, May 18, 1849. *Ib.*, 118–9.

[2] Lincoln to Gillespie, May 19, 1849. *Ib.*, 119–20.

[3] Lincoln to Embree, May 25, 1849. *Ib.*, 121.

[4] For examples of these letters see *ib.*, 123–4.

[5] Pope to Thos. Ewing, Sec. Interior, June 8, 1849. MS. Interior Dept. Records, Judge Pope's letter read: 'It is said that the respective friends of my most valued friends, Justin Butterfield and Abraham Lincoln Esquires, are presented to the President for

While N. J. Henry, Chairman of the Illinois Whig State Committee, wrote that Butterfield's appointment would ruin the party, a petition was sent the Department by 'the Whig mechanics of the City of Springfield' opposing Lincoln because of his course in Congress, and requesting the appointment of Butterfield.[1]

But he wrote to Gillespie that he 'could have had the office any time before the Department was committed to Mr. Butterfield,' the President and Secretary of the Interior told him. And why had he not pressed his claims earlier? 'Chiefly for Mr. [Cyrus] Edwards' sake — losing the office that he might gain it,' Lincoln despairingly explained to Gillespie. For Edwards was angry with Lincoln who, Edwards believed, had deserted him in order to get the office for himself. Edwards even wrote to the Department at Washington against Lincoln. Yet he had been one of his 'most cherished' friends, Lincoln lamented.[2] In despair Lincoln asked the Department for 'the papers . . . recommending me for Commissioner of [the] General Land office.' [3]

As a kind of farewell to politics, Lincoln, upon his return to Springfield, gave some sound practical advice to the head of Taylor's Cabinet. It was one of the cleverest political letters he ever wrote, and it reveals, in a half-flash, the masterful Lincoln of a sterner day. In view of the treatment he had received from the Administration, it might be supposed to have been written

the office of Commissioner of the Land Department. Allow me Sir to bear my testimony in favor of both. They are just such men as should be selected for the office. They are honest and capable. The appointment of either will, I think, give general satisfaction.'

[1] MS. Interior Dept. Records. 'The Undersig[n]ed Whig mechanics of the City of Springfield, Illinois, . . . are dissatisfied with the course of Abraham Lincoln as a member of Congress from this Congressional district. Your petitioners recommend Mr. Justin Butterfield as a suitable person to occupy the office of Commissioner of the general Land Office.'

Twenty-eight names are signed to this document, all in different handwriting with the possible exception of three signatures.

[2] Lincoln to Gillespie, July 13, 1849. *Works*, II, 124–7. This letter of Edwards against Lincoln and several others have disappeared from the files of the Interior Dept. E. C. Finney, First Ass't. Sec'y., to author, June 22, 1925.

But a long letter from Edwards to Butterfield, June 11, 1849, is in the files. It gives Butterfield a full account of Edwards' candidacy 'as it forms no part of my character to sail under false colors.' From Edwards' detailed narrative the very worst that can be said is that Lincoln did not push Edwards' application with much vigor because Baker was for Don Morrison and, unless one would withdraw, Illinois would lose the office.

[3] Lincoln to Thomas Ewing, June 22, 1849. Tracy, 39.

in resentment; but the Whigs, especially those of the South, were fearful lest Taylor should fail as President. Voicing this feeling, Stephens had written Crittenden from Washington that 'every one of the Young Indians must do his duty,' [1] and undoubtedly had made that appeal to Lincoln at the capital. So Lincoln wrote John M. Clayton, Secretary of State, that Taylor must correct an unfavorable sentiment which was spreading among the people.

The public report that the President had shifted 'responsibility of the appointments upon the respective Departments' was hurting Taylor. 'It is fixing for the President the unjust and ruinous character of being a mere man of straw. This must be arrested, or it will damn us all inevitably. It is said Gen. Taylor and his officers held a council of war, at Palo Alto (I believe); and that he then fought the battle against unanimous opinion of those officers. This fact (no matter whether rightfully or wrongfully) gives him more popularity than ten thousand submissions, however really wise and magnanimous those submissions may be.

'The appointments need be no better than they have been, but the public must be brought to understand, that they are the *President's* appointments. He must occasionally say, or seem to say, "by the Eternal," "I take the responsibility." Those phrases were the "Samson's locks" of Gen. Jackson, and we dare not disregard the lessons of experience.' [2]

Loss of other friends besides Edwards depressed Lincoln,[3] and still another matter embarrassed him. John Addison wrote that Lincoln ought to be appointed Governor of Oregon, suggesting, however, that the writer himself would like to be made Secretary of the Territory. Lincoln answered that he could not accept the place if offered and that, as to the Secretaryship, while he had 'an ever abiding wish to serve' Addison, he had 'already recommended our friend Simeon Francis, of the "*Journal.*"' [4] Lincoln did want to be Governor of Oregon, but

[1] Stephens to Crittenden, Feb. 6, 1849. *Rept. Am. Hist. Assn.*, 1911, II, 146.

[2] Lincoln to Clayton, July 28, 1849. Tracy, 39–40.

[3] Lincoln to ———, Dec. 15, 1849. *Works*, II, 133–4.

[4] Lincoln to John Addison, Sept. 27, 1849. *Works*, II, 129–30.

the place was never offered to him [1] and, when the matter was suggested, his wife flatly refused to go to that far western wilderness, even if her husband could get the place.[2] Lincoln was appointed Secretary of Oregon, however, but he promptly declined.[3] This position was the measure of the Whig Administration's estimate of Lincoln's political importance in the autumn of 1849.

Thus Lincoln received the invaluable discipline of defeat. He thought his political fortunes were ended forever,[4] and so did his wife, that 'most ambitious woman I ever saw,' as her sister described her. More humiliating still, Douglas was mounting high on swift and powerful wings; and Baker, McClernand, and all his associates were making headway in brilliant careers and in public regard. Worse still in Lincoln's eyes, the Legislature of Illinois had elected Shields to the Senate of the United States.[5]

Only Lincoln had failed; and, for five desolate years, he was to go into a political retirement which seemed permanent — a period of waiting, thought, and growth which, as a preparation for the doing of the colossal work before him, Lincoln needed quite as much as the hard schooling he already had received in humility and in respect for other men. Through these years of hopeless gloom as Lincoln felt them to be, we shall now accompany him and behold him emerge from them, freed of narrow partisanship and small purposes, with the foundations of greatness firmly established and visible even to hostile eyes.

[1] No record exists in the State Department of a tender of the place to Lincoln. Frank B. Kellogg, Secretary of State, to author, June 2, 1925.

[2] In a very hasty and disconnected memorandum of a talk with Stuart, Herndon jotted down a statement that Fillmore offered Lincoln the Governorship of Oregon; that friends urged him to accept; that he consented provided his wife would agree, but that she refused. Stuart assured Lincoln that he would soon come to the Senate from Oregon. Weik MSS. no date. Note on back 'Jno. T. Stuart's statement.'

[3] Lincoln to J. M. Clayton, Secretary of State, Sept. 27, 1849. *Works*, II, 130.

[4] Herndon to Weik, Oct. 28, 1885. Weik MSS.

[5] *House Journal*, 1849, 90. Shields was elected by a majority of nearly three to one, receiving seventy votes to twenty-six for two other candidates.

CHAPTER IV

LAW: LIFE: GROWTH

Melancholy dripped from him as he walked. HERNDON.

Strange mingling of mirth and tears, of the tragic and grotesque, of cap and crown, of Socrates and Rabelais, of Æsop and Marcus Aurelius — Lincoln, the gentlest memory of the world. INGERSOLL.

LINCOLN took up again his life in Springfield and began once more to ride the immense circuit from which he had been absent for nearly two years. At first he did not meet a hearty welcome. It was a different Springfield from the jubilant town which had greeted him so joyously a dozen years earlier, a different Springfield from the friendly little city from which he had set out for Washington in November, 1847 — a questioning, a doubting Springfield. But personal contact soon restored general favor, although many continued to be resentful for a long time. From the moment of his return, however, the old line Whigs stood by him faithfully.

The capital of Illinois now boasted a population of four thousand five hundred and thirty-three. Of these one hundred and seventy-one were free persons of color. In all Sangamon County only one other town, Mechanicsburg, with two hundred and one inhabitants, was large enough to be listed in the Census.[1] Springfield had passed Alton, where only three thousand five hundred and eighty-five persons lived, fewer than a decade earlier; but was behind Peoria with a population of over five thousand. The phenomenal growth of Chicago was marked by an enumeration of well-nigh thirty thousand.

Immigration had poured into the West in such volume that more than 850,000 men, women, and children lived in Illinois when Lincoln returned from Washington in 1849. The State was almost entirely agricultural.[2] The wealth in land and live

[1] *Census*, 1850.

[2] *Ib.* Some idea may be had of the state of the western country at the time, from the population of other cities and towns of that section. For example, Milwaukee had a trifle more than 20,000, Detroit a little over 21,000, Indianapolis slightly in excess of 8,000, and Fort Wayne 4,282.

About 17,000 people lived in Cleveland and a few hundred more in Columbus, while

stock was very large in proportion to the population. There were but ten incorporated towns in the whole State, and most of these had been little more than villages ten years earlier.[1] Here and there, on the scattered farms, frame houses were being built; but the log cabin was still the favorite habitation. The wooden plough, however, had given place to iron and steel shares; and reapers, drawn by horses, were fast supplanting the cradle and the scythe. The men wore blue jeans, usually patched, and brogans;[2] and the older women still smoked pipes.[3] The common food was corn-bread and salted smoked pork; but toward the end of the decade wheat bread, buckwheat cakes and fresh meat appeared on the tables of the more prosperous.[4]

Travel, even for short distances, was mostly by horseback; there were but few buggies until the latter part of the decade;[5] and farmers with their families attended political rallies or went to town for court week, in big, stout wagons. For four or five years after Lincoln came back from Washington, the stage-coach was the sole means of public conveyance. The roads, tolerable in late spring, early summer, autumn, or when snow made them smooth for sleds, were at other times often almost impassable. In rainy seasons long stretches were mere quagmires, and seemingly bottomless mudholes were frequent. The wheels of any kind of vehicle would sink deep in these sloughs and even horses would flounder and struggle painfully to get through them.[6]

Sangamon County had a little more than nineteen thousand people. Of these over two thousand adults could not read or write. In the whole County there were eighty-six schools and as many teachers and three thousand two hundred and twenty

Dayton had about 11,000. The big cities of that part of the country were St. Louis, with over 77,000 and Cincinnati, with more than 115,000.

[1] Besides Chicago, Alton, Springfield, and Peoria, the incorporated towns were Bloomington, Galena, Pekin, Quincy, Beardstown, and Rock Island. *Era of the Civil War:* Arthur C. Cole, 1.

[2] *Illinois in the Fifties:* Charles B. Johnson, 11, 23–5.

[3] Caton, 87. [4] Johnson, 18–9.

[5] *Ib.*, 138. Women always rode on side-saddles.

[6] This condition of Illinois highways continued almost to the end of the century. Even today a community, here and there, is practically marooned in wet weather.

pupils.[1] This was a large number, for schools were still maintained by subscription, still held, for the most part, in log cabins. At that time school conditions throughout Illinois were shocking; but a great movement for better educational facilities took place between 1850 to 1860.[2] In this movement Lincoln appears to have shown no interest.

Springfield had striven to keep pace with the growth and activity of other towns more favorably situated. Six flouring mills ground fifteen hundred bushels of wheat every twelve hours.[3] The two newspapers had from weeklies become dailies, and a public library contained more than nineteen thousand volumes.[4] But the streets were still unlighted and unpaved, sidewalks were few and inadequate, hogs wallowed in mudholes before houses, fed on offal in the streets, rubbed against fences, and disputed passageway with truculent obstinacy.[5] There was no drainage, and manure, old clothes, ashes, and other refuse were dumped into the streets.[6]

The square about the state house was in a peculiarly bad condition, and the Springfield papers wrathfully denounced it.[7] Indeed throughout this period the streets of Springfield were famed for wretchedness and squalor.[8] One of the first cases Lincoln had after his return from Congress was a suit by O. H. Browning against the city for the breaking of his leg by a fall caused by an unrepaired street.[9]

No such protection from flies and mosquitoes as screens ex-

[1] Of these 800 were white men and 1,166 white women. *Census*, 1850. Almost all of the free negroes were wholly illiterate.

There were 4,193 pupils 'as returned by families,' but this was nearly 1,000 more than actually went to school.

[2] *Era:* Cole, 230–8.

[3] *Illinois State Register*, May 3, 1849.

[4] *Census*, 1850. In large numbers of houses the only books were the Bible and an almanac. Johnson, 117–8.

[5] *Illinois State Register*, March 24, 1855. This was true even of the larger cities.

[6] *Era:* Cole, 3.

[7] For instance, *Illinois State Register*, March 17 and *Illinois Journal*, Sept. 13, 1853.

[8] *Era:* Cole, 6.

[9] Browning *vs.* City of Springfield: 17 Ill. 143. Lincoln won this case for his friend. It was argued with much care and thoroughness. The unanimous opinion of the Supreme Court, delivered by Chief Justice Scates, is comprehensive and full of citations. The decision became a leading authority on municipal law and has been extensively cited by the Supreme Courts of other States.

isted,[1] and insects flew, unhindered, from repasts on offal without to kitchens and tables, from which, at meal time, they were sometimes brushed by leafy branches. In that day no one imagined that disease was spread by insects. The country, too, was full of malaria, and advertisements of patent medicines, guaranteed to cure such ailments, burdened the newspapers. The standard remedies, however, were quinine, calomel, and whisky, all consumed frequently and in large quantities; and doctors bled patients on the slightest pretext, cutting a vein with a septic and sometimes rusty lancet.[2] Baths were seldom indulged in; but, when cleansing the body was thought necessary, it was done in a wooden tub. Yet the City Hotel advertised that it had sumptuous 'Bathing Rooms.'[3]

Stores had increased in number and groceries were larger and more numerous; but there were no banks and merchants kept the trivial accounts of opulent customers.[4] Saturdays continued to be the time for farmers and their families to come to town for purchases, gossip, and a good time, and enterprising merchants sought customers by many devices. Among these allurements to trade, was an open barrel of whisky at the back of such stores as sold groceries. A tin cup was fastened by a chain to this barrel, and anybody who bought a certain amount of goods, was entitled to drink freely as much as he or she wanted.[5]

Lincoln had no law practice when he returned from Congress; but Herndon had, by hard work, kept up the business of the firm. Lincoln thought that it was unjust for him to share the

[1] Johnson, 53.

[2] *Ib.*, 127–9. Dosing with the drugs named and 'bleeding' were practised generally in the Mississippi Valley until as late as 1880.

[3] *Illinois Journal*, June 22, 1848.

[4] *Era:* Cole, 94. After the failure of the State Bank the first bank in Springfield was the Springfield Fire & Marine Insurance Company organized in 1851; under the name of the Marine Bank it is still in existence.

[5] Statement of William L. Patton of Springfield to author, April 27, 1925, from the account given him by his father and by James M. Garland of Springfield, both of whom personally saw this practice in operation.

These gentlemen remembered particularly the barrel of whisky with tin cup attached, which Jacob Bunn, the wholesale and retail grocer, and later the banker, one of Lincoln's clients, kept in the rear of his store. Mr. Garland says that good whisky at that time cost twenty-five cents a gallon.

proceeds of Herndon's labors and wanted to withdraw. He then had no hope of political resuscitation and thus one strong reason for the firm's existence was removed; but of this he said nothing to Herndon. The junior partner, however, insisted that he remain and so the two began once more to practise as partners under the old name of Lincoln and Herndon.[1] Grant Goodrich, a lawyer with a good practice in Chicago, proposed that Lincoln go into partnership with him; but Lincoln declined because, as he said, 'he tended to consumption, That if he went to Chicago that he would have to sit down and study hard, That it would kill him, That he would rather go round the circuit . . . than to sit down and die in Chicago.'[2]

Since the law office of Lincoln and Herndon remained unchanged throughout the decade we are now considering, at this point in the narrative description of it may be of interest. The office consisted of one 'medium sized' room, at the rear end of a dark hall on the second floor of a brick building on the public square, across the street from the Court House. It was the building Speed had occupied as a store, associated with Lincoln's coming to Springfield.[3] Two unwashed windows looked out upon the litter in the yard of a store below. The upper half of the door to the office had in it a broad pane of glass, covered by a calico curtain which was pulled down when either of the lawyers wished nobody to look into the office.

In the centre of the room stood a long table with a shorter one at the end, both 'covered with green baize.' In one corner was a desk with drawers and pigeonholes, and in this desk were kept the law papers of the firm. Against a wall was a bookcase containing 'about 200 volumes of law as well as miscellaneous books.' In one corner near the window was a lounge or sofa raised at one end. In cold weather warmth was furnished by a wood fire in a tall, round, unblackened stove, red and gray

[1] Statement of Judge Davis, Sept. 20, 1866. Weik MSS.; Herndon, II, 307.

[2] Davis's statement; Herndon's notes, Sept. 20, 1866. Weik MSS. When Goodrich advised Herndon not to write the life of Lincoln because his legal training unfitted him for such a literary undertaking, Herndon, in answer, wrote that Lincoln always treated Goodrich 'as an exceedingly weak headed brother. The more he kicked you the closer you clung to him.' Herndon to Goodrich, Dec. 10, 1866. Weik MSS.

[3] The building was on the present South 5th Street, one door south of Washington Street. J. C. Thompson to author.

with rust and dirt. The floor was never swept except when an uncommonly energetic law student decided to clean up. One such bustling youth who came to the firm a year or two after Lincoln's return from Congress found such piles of dirt in the corners that seeds were sprouting in them; and he swept the room, to the amazement of Milton Hay, the partner of Logan, whose offices were on the same floor at the front of the building.[1]

Here Lincoln saw his Sangamon County clients, farmers for the most part; here he talked politics, told innumerable stories,[2] read newspapers and poetry aloud to Herndon's great annoyance,[3] fell into fits of unseeing, unhearing abstraction and despondency, to his partner's mystification and alarm. Usually he arrived at the office about nine o'clock in the morning and the first thing he did was to lie down on the sofa, one leg on a chair and read the newspapers — always reading aloud.[4] In this office, too, he wrote an incredible number of letters.[5] The fragments of essays that have been retrieved and the commonplace lectures, as well as most of his immortal speeches, were put on paper in this dingy, dirt-covered office. Many of his briefs were produced in the library of the Supreme Court in the State House across the street; but most of the other legal documents were prepared in the office of the firm.

The neglect which Lincoln gave to his personal business was

[1] John H. Littlefield (the student), in *Brooklyn Eagle*, Oct. 16, 1887, as quoted in Herndon, II, 316–7.

Henry B. Rankin to Weik, May 17, 1916. Weik MSS. Rankin was for a very brief time another student in Lincoln and Herndon's office.

Gibson W. Harris, the first law student in the office of Lincoln and Herndon (*The Real Lincoln:* Weik, 106–7), describes the office in 1845. It never improved in appearance. The only change was an increase in books after Lincoln returned from Congress, undoubtedly volumes of the *Congressional Globe* and government publications. Harris says that in 1845, the office contained only 'Blackstone, Kent's Commentaries, Chitty's Pleadings (*sic*), and a few other books.'

[2] 'In our office I have known him to consume the whole forenoon relating stories.' Herndon, II, 333.

[3] 'It annoyed me more or less, and I sometimes left the room under pretense of a call elsewhere.' Herndon as quoted by Weik, 105.

[4] Herndon, II, 332.

[5] The many that have been found contain references to a far greater number that were lost or destroyed.

Letters were merely folded and sealed with wax or wafer. Postage, which ran from twelve and one-half cents to fifty cents, according to distance, was paid by the recipient. Johnson, 63.

amazing, unless the story, already related, of his paying his New Salem debts is entirely fictitious. On the records of the Circuit Court at Springfield during the whole of his career at the bar two judgments against him in favor of New Salem creditors remained unsatisfied; and, so far as the records show, they are still unsatisfied. On April 26, 1834, William Watkins secured in the Circuit Court affirmation of a judgment rendered by a Justice of the Peace against Lincoln and Berry for fifty-seven dollars and eighty-six cents and costs, from which judgment Lincoln and Berry had appealed;[1] and on November 19, 1834, judgment was awarded by the Circuit Court to Peter Van Bergen against the same defendants for one hundred and fifty-four dollars and costs.[2] Neither of these judgments ever was satisfied, a fact strange in itself, but all the more curious in view of Lincoln's severe admonition to his father concerning the old man's negligence in not examining a judgment against him in Coles County.[3]

It is still more extraordinary because another judgment against Lincoln and Nelson Alley rendered by the Sangamon Circuit Court September 13, 1833, in favor of James D. Henry for the use of James McCandless and Henry Emmerson, was 'satisfied in full March 17, 1834, as per Shff return.'[4] Since one judgment was satisfied by the sheriff's return, it is difficult to understand how there could have been an execution sale of Lincoln's horse, bridle, saddle, and surveying instruments to pay Van Bergen's judgment, as pathetically related by 'Uncle Jimmy Short.' But assuming, as seemingly we must, that these debts were paid, the fact that Lincoln failed to have the judgment satisfied of record, would appear to indicate his carelessness in business matters.

[1] Record B, 308. Circuit Court, Sangamon County, Judgment Docket, April 26, 1834.

[2] *Ib.*, 412. This case was by agreement of the parties 'tried by the Court without pleading'; Lincoln and Berry were made 'parties to the judgment rendered at the last term against said Wm. Green,' which was reduced by credits to the sum named in the text.

[3] See p. 182, *supra.*

[4] Judgment Docket A, Circuit Court, Record B, 225. I am indebted to Mr. William L. Patton, Springfield, Ill., for these data. Mr. Patton called my attention to it, searched the records and sent certified transcript of the entries cited.

The family still lived in the small house of a story and a half which he had bought not long after his marriage. There were a kitchen, living room, and two bedrooms on the first floor and two low rooms beneath the roof. In the back yard was a privy, a woodpile, and a rough stable for Lincoln's horse, Old Buck, an 'indifferent, raw-boned specimen,' as an eyewitness described the animal.[1] A ramshackle, one-horse buggy, made by a Springfield backsmith, stood near the stable. There was, too, a cow, which grazed upon the common or grassy spots along the streets. Lincoln curried and fed his horse, milked the cow, cut and brought in the wood.[2]

Two or three cats added interest to the household, but there was no dog. A single shade tree was in front of the house, no fruit-trees in the back yard, no flowers anywhere about. Those who lived next door or near by, declare that Lincoln did not care for such things, although James Gourley, a close neighbor and friend of the Lincolns for a number of years and a trustworthy source of information, admits that Lincoln once set out some rose-bushes.[3] Mrs. Lincoln's sister, the wife of Dr. William Wallace, is emphatic on the same indifference to nature, although she blames Mrs. Lincoln more than the husband. Neither 'Mr nor Mrs Lincoln loved the beautiful,' she says. 'I have planted flowers in their front yard myself, to hide the nakedness, ugliness, etc., etc.' Apparently these sisterly offices were not appreciated, for Mrs. Wallace continues: I 'have done this often and often, . . . Mr. L[incoln] never planted trees, [or] roses, never made a garden, at least not more than once or twice.'[4] Gourley confirms Mrs. Wallace's testimony and adds more specifically, that 'for a year or so,' Lincoln 'had a garden and worked in it.'[5] But Harriet Hanks says: 'I never knew him to make a garden. Yet,' she continues defensively, 'no one loved flowers better than he did.'[6]

The one shade tree in front of the house was cut down by Mrs.

[1] Whitney, 30.

[2] *Ib.*, 26; Gourley's statement. Weik MSS.

[3] Gourley's statement. Weik MSS.

[4] Mrs. Wallace's statement. Weik MSS.

[5] Gourley's statement. Weik MSS.

[6] Harriet A. Chapman to Herndon, Dec. 10, [1866]. Weik MSS.

Lincoln's orders to facilitate making some repairs on the house. The workman hesitated and consulted Lincoln. 'Have you seen Mrs. L[incoln],' he asked. 'Yes,' said the man. 'Then in God's name cut it down clean to the roots,' Lincoln quickly responded.[1]

When he came from the office, he would take off his coat and shoes, lie down on the floor with head and shoulders propped against a pillow placed upon the back of a chair turned upside down, and read aloud any book or paper that took his fancy; thus he would lie and read for hours at a time.[2] He liked especially anything humorous and would read with relish all jokes and funny stories.[3] But newspapers were his comfort and delight; he would read them 'often very late at night.' Next to newspapers Lincoln liked poetry, Harriet Hanks informs us.[4]

His manners and habits distressed his wife. Even Herndon, when giving Weik material for the writing of their biography, confides to his associate that 'I have always sympathized with Mrs. Lincoln. . . . Mrs. Lincoln was not a . . . wildcat without cause.'[5] If anyone knocked at the door, Lincoln would answer in sock-feet, coatless, and without the stock which he removed from his neck as soon as he came home. Sometimes in this state of undress, except that he wore flapping carpet slippers, he went to Gourley's to borrow a table necessity, and Gourley particularly observed that but one suspender held up his trousers.[6] This single 'gallis,' as he called it, was a strange peculiarity of Lincoln's which the most credible of friendly witnesses made note of when he was on the circuit and at other times.

While at Washington, Lincoln conformed to the prevailing style in dress, and continued to wear the same attire after he returned to Illinois. A tall brown hat, the nap roughened or worn off; ill-fitting, swallow-tailed coat of broadcloth, rusty and seldom brushed; trousers always too short; boots, never black-

[1] Statement of P. P. Enos, no date, but 1866. Weik MSS.

[2] Harriet A. Chapman to Herndon, Nov. 21, 1866, and Dec. 10, [1866]. Weik MSS.

[3] Mrs. Wallace's statement. Weik MSS.

[4] Mrs. Chapman to Herndon, Nov. 21, 1866. 'I fancy I see him now lying full length in the Hall of his old home reading.'

[5] Herndon to Weik, Jan. 16, 1886. Weik MSS.

[6] Gourley's statement, *supra*. 'He used to come to our house with slippers on, one suspender and an old pair of pants.'

ened or greased; and about his neck a high stock, seldom renewed — such, in general, was his apparel. When on the circuit he carried a dilapidated, striped carpet-bag, and a big stout umbrella 'of faded green, well-worn, the knob gone, and the name "A. Lincoln" cut out of white muslin, and sewed in the inside;[5] a string tied about the middle kept the umbrella from flapping open. In chill weather he wore 'a short circular blue cloak, which he got in Washington in 1849, and kept for ten years.' Lincoln had become totally indifferent to his appearance. 'Whether they [his clothes] fitted or looked well was entirely above, or beneath, his comprehension.'[1] In warm weather he wore a long linen duster and would start over the circuit without any other coat. At Urbana in the fall of 1857, a photographer, Sam Alschuler, wanted to take his photograph and for the purpose, had to lend Lincoln a black coat with a velvet collar.[2] Papers and letters were carried in his hat.[3]

Henry C. Whitney came to Urbana in 1854 when he was twenty-one years old and opened a law office in that town. He soon met Lincoln, became warmly attached to him, and for several years was in close and frequent contact with him.[4] It is probable that Whitney was associated with Lincoln in more litigation than was any other lawyer except Herndon and, possibly, Leonard Swett. To Whitney, more than to any other man except Herndon, we owe most of our knowledge of Lincoln during his last six years in Illinois, and he describes his hero as he looked when Whitney first met him and thereafter until, as President, he left Springfield for Washington:

'He was six feet and four inches in height, his legs and arms were disproportionately long, his feet and hands were abnormally large, he was awkward in his gait and actions. His skin

[1] Whitney, 32; Herndon, II, 346–7. [2] Whitney, 50.

[3] *Ib.*, 42; Herndon, II, 314–5. The practice of carrying papers, letters, etc., in hats was general. Even constables and sheriffs thus carried official papers to be served. Johnson, 26.

[4] 'When he struck our end of the Circuit I was with him continuously till he left it; after I moved to Chicago and went in with Gen[eral] Wallace he [Lincoln] made our office his headquarters.' Whitney to Weik, Aug. 27, 1887. Weik MSS.

'My memory is good and I took to Lincoln on the Circuit from the start and happened to have . . . more intimacy with him than ordinary,' although 'Davis and Swett were more intimate.' Whitney's statement. Weik MSS.

was a dark, sallow color, his features were coarse: — his expression kind and amiable: — his eyes were indicative of deep reflection, and, in times of repose, of deep sorrow as well. His head was high, but not large: his forehead was broad at the base, but retreated. . . . He wore a hat measuring seven and one-eighth. His ears were large; his hair, coarse, black and bushy, which stood out all over his head, with no appearance of ever having been combed.'[1] Lincoln's chest was thin, shoulders narrow, he walked with a stoop and had the look of a consumptive. When sitting he appeared of only average height.[2]

On the circuit, Whitney, who often occupied the same bed with Lincoln, observed that he slept 'in a home made, yellow flannel undershirt;'[3] and Herndon describes the same garment as reaching 'halfway between his knees and ankles.' A young lawyer who saw him thus attired for bed, declared afterwards that Lincoln 'was the ungodliest figure I ever saw.'[4] A photographer of Springfield who was an ardent political adherent of Lincoln thus describes him when he first saw him in 1855: 'I saw a tall, lank, awkward man, who wore a tall hat, a short Raglan coat, short top-boots, with one leg of the trousers stuck in the top, walking with a stoop and carrying one hand behind him.' The youth asked 'who that gawk was.'[5]

While Lincoln dressed better during his campaign with Douglas in 1858,[6] the above is a faithful picture of his attire and appearance from the time of his return from Congress until after his election to the Presidency. The numerous trustworthy descriptions of him during that decade vary so slightly that the differences are negligible.

Lincoln's voice was as peculiar and distinctive as his clothes and manner, and friends and observers made as much note of it as they did of his appearance or characteristics. All agree that it was high pitched and thin, but that it had remarkable carrying

[1] Whitney, 31–2. Lincoln's hat was six and seven-eighths, or by stretching seven. Measurements of hat in the Chicago Historical Society, taken by Oliver R. Barrett and author, March 30, 1927. The hat is flexible and not shrunken.

[2] Herndon's Lecture on Lincoln: Weik, 110, 114.

[3] Whitney to Weik, Aug. 27, 1887. Weik MSS. [4] Herndon, II, 347.

[5] J. G. Stewart of Bloomington, in High School *Ægis*, Feb., 1906, 71–3.

[6] Whitney, 32.

power. Judge Drummond describes it as 'by no means pleasant, and, indeed, when excited, in its shrill tones, sometimes almost disagreeable.'[1] Herndon, in a long and detailed description of Lincoln when addressing a jury or a political assemblage, testifies that his 'voice was, when he first began speaking, shrill, squeaking, piping, unpleasant,' but adds that the tones became fuller as he proceeded.[2]

On February 1, 1850, Lincoln's second son, Edward, then four years old, died. The funeral services were conducted by Rev. James Smith, pastor of the First Presbyterian Church, and this circumstance is said to have led Mrs. Lincoln to join his congregation.[3] On December 21, 1850, another son was born and named for the husband of Mrs. Lincoln's sister, William Wallace; and twenty-eight months later still another son, Thomas, came to the Lincoln household.[4]

As the children grew up Lincoln delighted to play with them.[5] Sometimes he would take the boys walking 'way out in the country [and] . . . explain things carefully,' says Gourley; 'he was kind, tender and affectionate to his children, very, very.'[6] 'He was,' declares Harriet Hanks, 'all that a Husband Father and Neighbor should be. . . . Never did I hear him utter an unkind word to enny one.'[7] Mrs. Wallace adds her testimony that Lincoln 'was the very best kindest . . . father I ever saw.'[8]

He let the boys do whatever they pleased. 'They litterally ran over him,' declares Gillespie,[9] and this fact is attested by all

[1] Whitney, 257. Drummond was Judge of the United States Court for the Northern District of Illinois in which Lincoln frequently appeared.

[2] Herndon to Bartlett, July 19, 1887. MS. Mass. Hist. Socy.

[3] Mrs. Lincoln did not join the Presbyterian Church at Springfield, until April 13, 1852, and her husband never joined, although he sometimes attended the services with her. In the sermon delivered at the funeral of Mrs. Lincoln, Springfield, July 20, 1882, Rev. James A. Reed states that 'Mrs. Lincoln and her husband and family regularly attended church from that time [April, 1852] till they went to Washington City.' As to Lincoln, the statement is not borne out by the disinterested testimony of others.

[4] Thomas was the boy called 'Tad,' born April 4, 1853.

[5] Mrs. Chapman to Herndon, Nov. 21, 1866. Weik MSS.

[6] Gourley's statement. Weik MSS.

[7] Mrs. Chapman to Herndon, Nov. 21, 1866. Weik MSS. Miss Hanks married Col. A. H. Chapman of Charleston, Ill. She lived several months with the Lincolns while she attended school in Springfield.

[8] Mrs. William Wallace's statement. Weik MSS.

Gillespie to Herndon, Jan. 31, 1866. Weik MSS. 'He was the most indulgent parent

who describe the family as it was at that time. Testimony of friends and observers is unanimous that Lincoln so adored his children that he was blind and deaf to their faults. 'He restrained them in nothing,' testifies a friendly observer.[1] Indeed he submitted to indignities from his eldest son, without realizing the boy's rudeness. For instance, once in his office when playing chess with Justice Treat of the Supreme Court, Bob came and told his father that it was time for dinner. Lincoln said he would come right away, but forgot and played on. He was very fond of chess [2] and, when playing, was absorbed in the game. Again the boy came with the same message, and again his father said he would come and again forgot. A third time Bob arrived with the summons, a third time Lincoln gave assurance, but played on. Then the boy deliberately kicked the chess-board from the knees of the players, scattering the pawns over the floor; and the father rose with a laugh and, without a word of protest or reproof, accompanied his impatient son.[3]

Herndon relates that Lincoln's boys would come to the office, throw papers here and there, pull books from shelves, blunt pens on the stove and do other irritating things; and that their father would not punish, scold, or even restrain them.[4] It would seem, indeed, that they were privileged characters in Springfield. One of their amusements was to hide behind a hedge and, with a lath, knock off hats of passers-by. They once thus knocked off Lincoln's hat; he mildly admonished them that the next man might not be so easy with them.[5]

In his house Lincoln was given to those curious spells of abstraction which all who knew him agree to have been his outstanding characteristic during the decade under review. His sister-in-law, Mrs. Edwards, testifies that she was often at the

I ever knew. His children litterally ran over him and he was powerless to withstand their importunities.'

[1] Weik, 101. [2] Harris to Weik, *ib.*, 107.

[3] Treat's account to Weik, *ib.*, 102–3.

[4] Herndon to Weik, Jan. 8, 1866. Weik MSS.

When the children came to the office, Lincoln would turn them loose 'and they soon gutted the room, gutted the shelves of books, rifled the drawers and riddled boxes, battered the points of my gold pen . . . turned over the inkstands on the papers, scattered letters over the office and danced over them and the like.' *Ib.*

[5] Joseph P. Kent's statement, Nov. 21, 1916. Weik MSS.

Lincoln house at meal-time, and that he would sit at the table looking with unseeing eyes straight ahead, unconscious of the food before him and oblivious of his surroundings.[1] Mrs. Wallace relates that she frequently walked over to her sister's house where 'Lincoln would lean back, his head against the tip of a rocking chair, sit abstracted that way for . . . 20 or 30 minutes, and all at once burst out in a joke, though his thoughts were not on a joke.'[2] Sometimes Lincoln's spell would be broken by a quotation from a favorite poem like 'Mortality,' 'The Last Leaf,' or 'The burrial of Sir Tom [John] Moore.'[3] He would take the children for a ride in a little wagon which Lincoln pulled along the uneven sidewalk; a child would fall off crying; but Lincoln would go on hauling the wagon, his eyes bent downward.[4]

Mrs. Lincoln was irritable and high tempered. Her loud shrill voice could be heard across the street, and her incessant outbursts of wrath were audible to all who lived near the house. Frequently her anger was displayed by other means than words, and accounts of her violence are numerous and unimpeachable. Malicious gossip, which is over-plentiful and acrid, must be disregarded; but the clear though reluctant testimony of not unfriendly witnesses cannot be ignored.[5] For domestic conditions are the largest part of the personal life of any married person. Lincoln paid little or no attention to his wife's out-

[1] 'I have seen him sit down at the table and never unless recalled to his senses, would he think of food.' Mrs. Edwards's statement. Weik MSS.

[2] Mrs. Wallace's statement. Weik MSS.

[3] Mrs. Chapman to Herndon, Nov. 21, 1866. Weik MSS.

[4] Weik, quoting Herndon. Weik, 101.

[5] For instance, the father of Mrs. Hillary A. Gobin was pastor of the Methodist Church in Springfield between 1855–60, and lived near Lincoln's house. Mrs. Gobin says: 'Lincoln and my father were warm friends. I heard my mother say, "they [the Lincolns] were very unhappy in their domestic life, and she was seen frequently to drive him from the house with a broomstick."' Mrs. Gobin to author, May 17, 1923. Quoted by permission.

Mrs. Gobin is the widow of the late Dr. Hillary A. Gobin, formerly President of DePauw University, Greencastle, Ind., and emeritus Professor of Greek in that institution.

In the same class of credible evidence are the statements of Matheny, King, Bradford, Gourley, Enos, Herndon, and others. The swarm of stinging tales from less acceptable sources are omitted from the text and have had no influence on the narrative or the tone of it.

bursts,[1] which were inflicted upon others who displeased her as well as upon himself.[2]

Sometimes Lincoln would spend the night at the house of a friend.[3] During sessions of the Supreme Court, Lincoln often spent his evenings in the library or office of the Clerk of that tribunal, preparing for his arguments and amusing his fellow lawyers with stories and jokes. When the Legislature met, Lincoln was with members of that body, if not in the Supreme Court library. At other times when in Springfield, says Whitney, he usually would 'pass the evening in some grocery store, or other citizens' *rendez-vous*, engaged in his usual avocation of telling stories; or, perhaps, wandering alone, aimlessly, in the unfrequented streets,' brooding or thinking.[4] It would appear, in short, that Lincoln was at his house but very little, since he was away on the circuit for half the year, and when not on circuit was down town on most evenings. Mrs. Wallace asserts, however, that he was 'a domestic man' and frequently at home.[5]

Yet Lincoln was considerate of his wife, and would go home to comfort her when a thunder-storm arose, for such storms always terrified her.[6] After prolonged philosophizing about the influence of women on the great, Whitney declares with peculiar emphasis: 'Lincoln thoroughly loved his wife. I had many reasons to know this in my intimacy with him, and she therefore wrought a great influence over him.' [7]

Mrs. Lincoln had difficulty in keeping a hired girl. She quarrelled incessantly and acquired a bad name with those who went into domestic service. Lincoln usually took the side of the maid of all work, though he did so covertly and without the know-

[1] Gourley's statement. Weik MSS.

[2] Matheny's statement, May 3, 1866. Weik MSS.

[3] Lincoln once went to the house of A. Y. Ellis, who was appointed postmaster on his recommendation. He had lingered at the post-office telling stories until after eleven o'clock and then said: 'Well I hate to go home.' Ellis asked Lincoln to 'come down to my house and stay all night,' and he did so. Statement of P. P. Enos, no date. Weik MSS.

Some acquaintances are terribly severe on Mrs. Lincoln: 'Lincoln's wife was a hellion, a she devil, vexed and harrassed the soul out of that good man, wouldn't cook for him, drove him from home . . . often and often.' Statement of Turner R. King, no date, but 1866. Weik MSS. King was one of Lincoln's strongest political supporters.

[4] Whitney, 568.

[5] Mrs. Wallace's statement. Weik MSS.

[6] Weik, 108.

[7] Whitney, 94–7.

ledge of his wife. He induced one to remain by secretly paying her a dollar a week extra; and said to her privately, after one of Mrs. Lincoln's scoldings: 'Stay with her, Maria; stay with her.'[1] 'If Mr. Lincoln should happen to die,' said Mrs. Lincoln impulsively to friends when grievously tried by a quarrel with a servant, 'his spirit will never find me living outside the boundaries of a slave State.'[2]

About 1853 a daughter of Dennis Hanks, Harriet, of whom Lincoln was very fond, came from Coles County to live at his house while she attended school in Springfield. She was a girl of spirit, sense, and pleasing disposition. Mrs. Lincoln tried to make a household drudge of her and at this Lincoln rebelled. So far as is known Harriet Hanks is the only relative of Lincoln who ever so much as visited his house. Neither his father nor step-mother ever went to Springfield, although they lived but seventy miles away, and Herndon thought that Mrs. Lincoln would not have admitted them if they had come to her house.[3]

In the winter of 1850–51, Lincoln's father became very ill, grew steadily worse, and it finally appeared to those in his dreary cabin in Coles County that he would not recover. John D. Johnston wrote Lincoln of his father's condition, but Lincoln did not answer. Again Johnston wrote and again Lincoln ignored the letter. At last Harriet Hanks wrote, and in response Lincoln sent Johnston a strange letter, which is made intelligible only by recalling the mutual dislike between father and son, displayed during Lincoln's boyhood in Indiana.

Lincoln tells Johnston that he received the two letters his step-brother had written him; he had not answered them, 'because it appeared to me that I could write nothing which would do any good. You already know I desire that neither father nor mother shall be in want of any comfort, either in health or sickness, while they live; and I feel sure you have not failed to use my name, if necessary, to procure a doctor, or anything else for father in his present sickness.'

[1] Weik, 100. [2] Statement John S. Bradford to Weik, Weik, 99.

[3] Herndon to Weik, Dec. 1, 1885. Weik MSS. 'While the young lady was here Mrs. Lincoln tried to make a servant — a slave — of her' and 'This created . . . a fuss between Lincoln and his wife.'

But Lincoln cannot come. 'My business is such that I could hardly leave home now, [even] if it was not as it is, that my own wife is sick-a-bed. (It is a case of baby-sickness, and I suppose is not dangerous.) I sincerely hope father may recover his health; but if not, let him put his trust in God. At all events, tell him to remember to call upon and confide in our great and good and merciful Maker, who will not turn away from him in any extremity. He notes the fall of a sparrow, and numbers the hairs of our heads, and He will not forget the dying man who puts his trust in Him.'

Here was language that Thomas Lincoln could understand; time and time again he had heard such words from itinerant preachers in the backwoods of Indiana, often Lincoln had repeated them when a boy. But among these familiar phrases of unction, Lincoln manages to hint at the life-long antagonism, albeit he quickly turns to words deeply graven on his father's mind:

'Say to him that if we could meet now it is doubtful whether it would not be more painful than pleasant, but that if it be his lot to go now, he will soon have a joyous meeting with many loved ones gone before, and where the rest of us, through the help of God, hope ere long to join them.' [1]

Five days later, January 17, 1851, the old man died [2] and was buried near his Coles County cabin, his wife, the Johnstons, the Hankses and, possibly, the families of one or two farmers in the desolate neighborhood shivering beside that wintry grave.

Lincoln and his wife lived in reasonable harmony, considering their temperaments and the provocations which, by reason of

[1] Lincoln to Johnston, Jan. 12, 1851. *Works*, II, 147–9.

Lincoln had in the autumn of 1851 paid to Thomas Lincoln two hundred dollars, for the land in Coles County occupied by him. On Oct. 25, 1851, he entered into a bond to convey the tract to John D. Johnston or his heirs, on the death of Thomas Lincoln and his wife, and on payment of two hundred dollars, without interest, if paid on that event. The land is described as the 'North East quarter of the South East quarter of Section twenty one in Township Eleven North of Range Nine East.' This would be about the center of the township and west of Embarrass [Ambraise] River. Circuit Court, Coles Co. Records, Mortgages, Book 1, 43. Aug. 31, 1851, Lincoln sent Johnston a 'deed for the land,' though the step-mother was still living, but it appears to have covered only a part of the plat. *Works*, II, 149–51.

[2] Lincoln to Jesse Lincoln, April 1, 1854. *Ib.*, 180–2.

their antipathetic natures, each gave the other.[1] Lincoln never asked his friends to dinner; and Judge David Davis who, as we shall see, was as intimate with Lincoln as any other man except Herndon, declares that he was never invited to his house at all.[2] O. H. Browning relates that, when in Springfield, he called upon the Lincolns five times, twice at Mrs. Lincoln's parties which she occasionally had, as was the fashion in Springfield, and that once or twice he spent the evening with them. Isaac N. Arnold of Chicago says that he made similar visits. But neither Browning nor Arnold makes mention of having been asked to come.

The Lincoln table was scantily supplied,[3] but what was saved through such economy was more than spent by Mrs. Lincoln on dresses and apparel for herself and the children.[4] Yet she entertained friends, and at such times made shift to have servants in evidence.[5] She 'put on plenty of style but [was] stingy,' says a friend of the family.[6] At these parties she would dress up the boys, bring them before the company, make them dance, speak, quote poetry, and show off generally. Then the

[1] Gourley's statement. Weik MSS.

They 'got along tolerably well, unless Mrs. L[incoln] got the devil in her. Lincoln . . . would pick up one of his children and walked off — would laugh at her — pay no earthly attention.' *Ib.*

[2] 'Judge Davis told me that Lincoln never invited him to his house and [I] have heard many others of Lincoln's best friends say the same thing.' Herndon to Weik, Feb. 5, 1887. Weik MSS.

Also Davis's statement to Weik, Weik, 90–1. 'He told me . . . that often as he had been in Springfield Lincoln had never entertained him, nor, so far as he could learn, any other visiting lawyer at his home.'

[3] Harriet A. Chapman to Herndon, Dec. 10 [1866]. Weik MSS. 'His table at home was usually set very sparingly. Mrs. Lincoln was very economical. So much so that by some she might have been pronounced Stingy.' *Ib.*

'His table at home generally was economized to the smallest amount. He never dared as a general thing to invite his friends to his house. Mrs. Lincoln was a very stingy woman and yet she would occasionally have parties.' Herndon to Weik, Feb. 5, 1887. Weik MSS.

[4] Weik, 94. 'Mrs. Lincoln was not only economical, but close; but in order that she might gratify her passion for the ornamental her economy and self-denial ended at the kitchen.' Statement of 'a lady relative' to Weik.

'Mrs. Lincoln was the cause of his poor tables: She economised here to swell otherwise.' Herndon to Weik, Feb. 5, 1887. Weik MSS.

[5] Weik, 94. 'As a rule servants were conspicuous about her household only when she entertained.' Statement of 'a lady relative' to Weik.

[6] Kent's statement, Nov. 21, 1916. Weik MSS.

proud mother would rhapsodize over the excellence and accomplishments of her offspring. If Lincoln happened to be present on such occasions he would observe dryly that 'these children may be something sometime, if they are not merely rareripes, rotten ripes — hothouse plants. I have always noticed that a rareripe child quickly matures, but rots as quickly.'[1] She often bought perfumery at Diller's drug store and then sent it back, declaring that it was not good; which so impressed the druggist that his son remembered half a century later that 'Mrs. L[incoln was] very hard to deal with.'[2]

Sometimes Lincoln would come to the office in the morning, unwrap from a newspaper some cheese, crackers, and bologna sausage and make his breakfast from these provisions. Now and then he would bring Bob with him and, sitting on the sofa, father and son would silently eat their uninviting meal. At such times, says Herndon, he was so sad that he would not greet his partner, who took it for granted that Lincoln had been 'driven from home.' So 'I would let down the curtain [over the glass in the office door] . . . go out and lock the door behind me taking the Key out and with me.'[3] But Lincoln was 'a hearty eater,' being especially fond of corn-cakes which, he insisted, he could devour as fast as two women could make them.[4]

Lincoln spent at least six months of every year away from Springfield riding the circuit, and he was the only lawyer that attended the courts in every county seat. His prolonged absences irritated his wife, who often confided to their next door neighbor that 'if her husband staid at home as he ought to she could love him better.'[5] Court was held in the various counties from the middle of March to the middle of June, and again

[1] Herndon to Weik, Jan. 8, 1886. Weik MSS.

[2] Statement of J. R. Diller to Weik, Nov. 21, 1916. Weik MSS. In the *Springfield Directory*, 1855–6, the firm is given as Corneau and Diller, 5 E S Public Square.

[3] Herndon to Weik, Jan. 16, 1886. Weik MSS. Herndon says that he would return at intervals to see if Lincoln had recovered from his spell of gloom. Such awakening was always made known by Lincoln's speaking to Herndon, almost invariably followed by a funny story.

[4] Mrs. Chapman to Herndon, Dec. 10 [1866]. Weik MSS.

[5] Gourley's statement.

from early September until the first of December.[1] For more than three years after his Congressional term the Eighth Circuit comprised fourteen counties, Sangamon, Tazewell, Woodford, McLean, Logan, De Witt, Champaign, Vermilion, Piatt, Edgar, Shelby, Moultrie, Macon, and Christian. It was nearly one hundred and forty miles long by almost a hundred and ten miles broad,[2] nearly one-fifth of the entire area of the State.[3] In 1853 the Circuit was reduced to eight counties, the last six named being transferred to other districts; and four years later Sangamon, Woodford, and Tazewell were attached to the Seventh District.[4]

The Judge of the Eighth Circuit was David Davis, who had been elected to that office in 1848 when thirty-three years of age. He continued on the bench by reëlection until 1862 when Lincoln appointed him a Justice of the Supreme Court of the United States. He was over six feet tall, weighed about three hundred and twenty pounds, was ruddy of face and forthright, positive, and hearty in speech and manner. A short beard that circled from ear to ear and under the chin added to the rugged appearance of his powerful features. He was personally acquainted with almost every man, woman, and child in Central Illinois, and was liked and trusted by everybody regardless of party. Notwithstanding his sternness, he was a skilful and effective politician. No other one man did so much to bring about Lincoln's nomination for the Presidency as Judge Davis. In the Republican National Convention of 1860 we shall see this burly Judge of the biggest Illinois judicial circuit appealing directly for Lincoln to the farmer delegates from States west of the Alleghanies, and no man better understood them than he or knew so well how to approach them. He was one of the three men whom Lincoln took with him on his journey to Washington in 1861.[5]

[1] Angle to author, no date; Swett: Rice, 455–6, gives other times for the court sessions.

[2] Whitney, 40. Also *Lincoln the Lawyer:* Frederic Trevor Hill, 167.

[3] Statement George P. Davis (son of David Davis), no date. Weik MSS.

[4] Weik, 145.

[5] Justice Davis, in the Legal Tender Cases, was one of the Justices who upheld the constitutionality of the acts making treasury notes a legal tender; he was an opponent

Judge Davis was a native of Cecil County, Maryland, a graduate of Kenyon College, Ohio, had studied law in Massachusetts and in the law school of Yale. He came to Bloomington, Illinois, when he was twenty years of age and was admitted to the bar as soon as he was twenty-one. In a few years he was elected to the Legislature, then to the Constitutional Convention of 1847 and, while still a member of that body, was elected Judge of the Circuit made famous by Lincoln's practice throughout its wide extent for a dozen years. Not only was Davis a good lawyer and judge, but an excellent man of affairs as well; and, largely through the purchase of fine land at low prices, he amassed what for those days was a very great fortune. Lincoln had unbounded confidence in his business sagacity, and so close were their relations that Davis was designated administrator of his estate.

The Judge used his power to the utmost to advance the fortunes of those he liked, and of all the lawyers who practised in the Eighth Circuit Lincoln was his favorite. Perhaps no other man had greater influence on Lincoln, and, until sometime after he became President, that influence was conservative and restraining. It is a curious fact and, possibly, one full of meaning, that the two men who were in most intimate and frequent contact with Lincoln, personally, politically, and professionally during the years between 1850 and 1860, strove to draw him in opposite directions. Herndon, the partner, was radical in the extreme, constantly urging Lincoln to take advanced ground against slavery, while Davis, the Judge, as steadily counselled patience and caution with respect to that vital question and especially the avoidance of anything offensive to the Southern States.

Such was the Judge before whom Lincoln practised for many years, such the man with whom he rode the circuit and upon

of Grant's Administration, and in 1872 accepted the nomination for President by the National Labor Reform Party. After serving on the Supreme Bench for fifteen years, Justice Davis resigned in order to accept the office of United States Senator, to which he was elected in 1877 in succession to John A. Logan, who was defeated by the votes of independents and Democrats in the Legislature. As a Justice of the Supreme Court he delivered the opinion of the Court in *Ex parte* Milligan (4 Wallace, 107), an opinion which deserves to stand within the class of Marshall's pronouncements on constitutional law.

whom he leaned heavily for guidance and comfort, such the friend who was so partial to him and alert to promote his interests. The statements of Judge Davis, always reserved and cautious, as to Lincoln's conduct and characteristics, are conclusive.

'Lincoln was with me all round the circuit . . . out 6 mo[nths of] each year,' says Davis.[1] Until the middle fifties, when railroads began to appear, these series of journeys from county seat to county seat were made in buggies or wagons, over the wretched dirt roads described and across streams often bridgeless. The Judge started on his prolonged judicial pilgrimage as soon as the roads were passable.[2] It was slow going. As late as 1857 an entire day was required for the bench and bar of the Eighth Circuit to go in a livery 'rig' from Urbana to Danville, a distance of thirty-six miles.[3] Some years earlier Chief Justice Caton, after his appointment to the Supreme Court, journeyed in a buggy with his wife and child from Ottawa to Springfield in four days.[4] It took Washburne three days, 'travelling incessantly' to go by stage from Galena to Springfield.[5] Lincoln usually went over the circuit in his buggy, driving Old Buck, sometimes taking with him another lawyer, but often going alone over the long miles of the vast prairies. It required two horses to draw the buggy of Judge Davis.[6]

Among his circuit-riding companions in a few of the counties of the Eighth Circuit was a young lawyer, Leonard Swett, a native of Maine who was in his twenty-fourth year when Lincoln again took up practice upon his return from Congress. He was the best trial lawyer in the circuit and, next to Lincoln, was the favorite of Judge Davis. He, too, was immensely popular. Indeed Davis, Lincoln, and Swett were known among the members of the bar as 'the great triumvirate.'[7] While he contributes little that is trustworthy to our information about Lincoln, Swett is not a negligible thread in the fabric of Lincoln's

[1] Judge Davis's statement, Sept. 19, 1866; Herndon, II, 337.
[2] Lawrence Weldon to Hill: Hill, 170.
[3] Whitney's statement, no date. Weik MSS. [4] Caton, 153.
[5] Elihu B. Washburne: Rice, 12–3. [6] Geo. P. Davis's statement.
[7] Whitney, 67–70.

destiny because of the assistance he gave to Davis in securing Lincoln's nomination for President in 1860.[1]

As we have seen, one of Lincoln's best liked and trusted colleagues in the Legislature was Joseph Gillespie; and this excellent lawyer and skilful politician was one of the five or six men with whom Lincoln may be said ever to have been intimate. While always championing his leader, Gillespie's account is of only less value than the data supplied by Herndon, Davis, and Matheny.

It is worthy of repetition that Lincoln was the only lawyer who travelled the whole circuit. Other members of the bar would attend courts in an adjoining county and then return home, always in time to spend Sunday with their families.[2] Lincoln, however, remained at the town where the court happened to be on Saturday and occupied his time with friends at the village inn. 'As a general rule,' says Judge Davis, 'when all the lawyers of a Saturday evening would go home and see their families and friends, . . . Lincoln would refuse to go home.'[3]

Whitney describes the county seats as 'small and primitive villages' with 'unkempt court-rooms, where, ten months in the year, the town boys played at marbles or rudimentary circus.'[4] Swett says that, in 1850, these towns each had from five hundred to a thousand people and that the court-houses and jails were of logs.[5]

The offices of the travelling lawyers of the Eighth Circuit were on the sunny side of the court-house, or under a tree, or in the street — wherever client and attorney could talk.[6] When

[1] Leonard Swett was born near Turner, Maine, Aug. 11, 1825. He had a remarkably successful career at the bar, but was disappointed in his political ambitions.

'Poor Swett! He got less from the public according to his deserts of any man in America.' Whitney to Weik, Aug. 23, 1891. Weik MSS.

[2] Geo. P. Davis's statement, no date.

[3] Judge Davis's statement, Sept. 20, 1866. Weik MSS.; Davis's account to Weik, Weik, 90. Courts were held on Saturdays and Mondays. [4] Whitney, 41.

[5] Swett: Rice, 455–6. The Court-House at Urbana, built in 1848, was a small brick building of two stories in the upper of which was the court room. The structure cost $2,744. Here Lincoln delivered some of his most important political speeches. *Hist. Champaign Co.*: J. O. Cunningham, 731.

The jail was of logs, and so insecure that prisoners escaped frequently. 'It might answer for the imprisonment of infants or of men who are badly crippled, but will not do for the retention of rascals.' *Urbana Union*, Jan. 11, 1855, as quoted in Cunningham, 735. [6] Whitney, 41.

the small tavern had but one bedroom, it was given to the Judge and his friends, other lawyers sleeping on sofa, tables, or floor.[1] Everybody, from prisoners to Judge, washed in the same tin basin and dried hands and faces on the same towel.[2]

When the county-seat towns were large enough, local attorneys, nearly always very young men, came there to live, and they employed older riders of the circuit to conduct the litigation they secured. These country lawyers prepared the cases, and their experienced circuit-riding partners tried them.[3] From these county-seat attorneys, Lincoln received most of his employments, as well in the Supreme Courts as on the circuit.[4] Now and then local partnerships were formed, the better known itinerant lawyer as the head of the firm, an arrangement which advertised the junior.[5]

One such county partnership is notable in Lincoln's life, that with Ward Hill Lamon at Danville. This local arrangement was made in 1853, when young Lamon was about twenty-five years of age. He had heard of Lincoln's reputation for 'originality, oddity, wit, ability, and eloquence,' and was very curious about him. Stuart introduced him to Lincoln, the partnership was formed, and the two rode together to courts of adjacent counties.[6] Thus began a friendship which nothing ever impaired.[7]

In his earlier years in circuit practice, however, Lincoln and

[1] Hill, 172. [2] Caton, 77.

[3] *History of Logan County:* Lawrence B. Stringer, 317. [4] Hill, 200.

[5] For example, Leonard Swett had Whitney for his partner at Urbana. Whitney, 71.

[6] *Recollections of Abraham Lincoln:* Lamon, edited by his daughter, Dorothy Lamon Treillard, 14–5. These connecting counties were Champaign and McLean with Urbana and Bloomington, respectively, the county seats.

[7] It was Lamon whom Lincoln chose over an army officer to go with him on the supposedly hazardous trip from Baltimore to Washington on his journey to the capital to be inaugurated; and Lincoln at once appointed his associate to be Marshal of the District of Columbia, an office which, at that particular time, was of great importance. Lamon seems to have been pompous and showy and thus to have given offence to many. Also imprudent action in attempting to raise a military force during the war led to a congressional investigation and rebuke.

Lamon was subjected to virulent attacks, not wholly justified, because of statements in a *Life of Lincoln* which appeared in 1872. It was written by Chauncy Black, the son of Jeremiah S. Black, Attorney General in Buchanan's cabinet. Black used the Herndon MSS.; but he personally disliked Lincoln and while most of his statements are correct, a few are not, and the temper of the book was unfriendly to the subject of it.

Because of the ferocious assaults on Lamon on account of this volume, he has been discredited, perhaps unduly. Certain it is that Lincoln's fondness for and confidence in Lamon continued as long as Lincoln lived.

other travelling attorneys were employed by clients as soon as the Judge and his legal retinue arrived. 'The lawyer would, perhaps, scarcely alight from his horse when he would be surrounded by two or three clients requiring his services,' says Justice Caton. A bill in chancery, an answer, a demurrer, special pleas, and the like would have to be determined and prepared 'before the opening of the court the next morning.' Thus quick and accurate thinking and exact knowledge were necessary.[1] Such speed was the one thing in which Lincoln was at a disadvantage: he himself declared, and all of his associates assert, that his mind worked slowly and that he required plenty of time for preparation.

At every county seat Lincoln was the most popular man. The capital of Logan county was named Lincoln in his honor. In 1853 when this site was laid off, Lincoln was attorney for the promoters of the new town. What name do you give the town? he asked of his clients, when writing the paper in which the name had to be stated. After considering several names, the donor of the site suggested that the town be called Lincoln. 'You'd better not do that, for I never knew anything named Lincoln that amounted to much,' said the attorney. But his name was agreed upon, and inserted in the papers and the town was finally incorporated as Lincoln, Logan County, Illinois.[2]

Except that at Springfield there were no law libraries in the county seats of the Eighth Circuit, and lawyers carried few, if any, books with them.[3] It does not appear that Lincoln took a single legal volume when, twice a year, he started on his long journeys, each lasting for three months. But he took other books which he thought more useful, and still others which he found more entertaining. Soon after his marriage, Lincoln began to carry Euclid with him on the circuit; [4] and to the mastering of this work he applied himself with vigor when he again

[1] Caton, 51; Whitney, 42.

[2] Stringer, 565–9, gives a detailed account of the establishment of Lincoln. Once when asked if the town of Lincoln had not been named after him, he dryly remarked: 'Well, yes, I believe it was named after I was.' Whitney, 117. This is often cited as a fine example of Lincoln's ready wit.

[3] Justice Caton says that Blackstone and *Coke upon Littleton*, were the two authorities most relied on. Caton, 219.

[4] Stuart's statement, no date. Weik MSS.

took up the practice of law after his term in Congress.[1] He studied algebra [2] too, when on the circuit and pored over a treatise on astronomy. 'I have seen him myself, upon the circuit, with "a geometry," or "an astronomy" . . . working out propositions in moments of leisure,' says Swett.[3]

Whitney confirms Herndon's testimony that Lincoln read nothing thoroughly.[4] 'His reading was more desultory and less profound than that of any man of his own time, or if not, indeed, of any time,' is Whitney's sweeping conclusion.[5] *Flush Times in Alabama* was a favorite with him and he would read from it to his companions what he considered a superlatively fine story about an earthquake.[6] Yet Herndon is positive that, for the first five or six years after Lincoln's return from Congress, he was 'a hard student,' especially of mathematics, and that he 'read much in the political world.' [7]

When at Springfield Lincoln was interested chiefly in works on science. One day Herndon, who always was buying new books, brought to the office a small volume, the *Annual of Science*,[8] one of a series on that subject. Lincoln was keenly interested in the book, and told his partner that he 'must buy the whole set, started out and got them.' When he came back he said to Herndon: 'I have wanted such a book for years, because I sometimes make experiments and have thoughts about the physical world that I do not know to be true or false. I may, by this book, correct my errors and save time and expense. I can see where scientists and philosophers have failed . . . or can see the means of their success and take advantage of their brains, toil,

[1] Herndon to Weik, Feb. 11, 1887. Weik MSS.
'He [Lincoln] studied and nearly mastered the six books of Euclid since he was a member of Congress.' Autobiography, *Works*, VI, 28.

[2] Whitney, 49.

[3] Swett: Rice, 467. Also Gillespie to Herndon, Dec. 8, 1866. Weik MSS. 'He was fond of astronomy.' *Ib.* Herndon thought that Lincoln studied Euclid and Shakespeare to supply his lack of education. Herndon, II, 319.

[4] *Ib.*, 320. 'He never in his life sat down and read a book through.'

[5] Whitney, 109. While Whitney's statement seems extravagant, it is supported by Harris (Weik, 107), by Herndon, and by all others who were with Lincoln often and for long periods of time.

[6] Whitney, 185. It is in the chapter on 'Cave Burton, Esq., of Kentucky' in Joseph G. Baldwin's volume.

[7] Herndon to Weik, Feb. 11, 1887. Weik MSS.

[8] *Annual of Scientific Discovery*, edited by David Ames Wells, 1850–71.

and knowledge. Men are greedy to publish the successes of [their] efforts, but meanly shy as to publishing the failures of men. Men are ruined by this one sided practice of concealment of blunders and failures.' [1]

It appears that he cared principally for science, mathematics, and poetry. Lincoln read history sparingly and with caution, for he doubted the accuracy or rather the impartiality of it, believing that books of the kind did not give all sides of any event or tell the whole truth. 'Indeed he thought that history as generally written was altogether too unreliable,' testifies Gillespie,[2] a statement which Stuart confirms.[3] Biography he refused to read at all, because it was merely eulogistic. On this point he was emphatic and unyielding. 'Biographies as written are false and misleading,' he told Herndon, when his partner, who was a devotee of books, was urging Lincoln to read a Life of Burke [4] which Herndon had bought: 'The author of the life of his hero paints him as a perfect man — magnifies his perfections and suppresses his imperfections — describes the success of his hero in glowing terms, never once hinting at his failures and his blunders. Why do not book merchants and sellers have blank biographies on their shelves always ready for sale, so that when a man dies, if his heirs — children and friends — wish to perpetuate the memory of the dead, they can purchase one already written, *but with blanks* which they can fill up eloquently and grandly at pleasure thus commemorating a lie; an injury to the living and to the name of the dead.' [5]

But 'the source and developement of language' attracted him strongly, he told Gillespie, and added that he was 'surprised to find his investigations in that direction so interesting and in-

[1] Herndon to Weik, Dec. 15, 1886. Weik MSS. 'This he said substantially to me with much feeling. . . . The last . . . he spoke . . . in glowing terms.'

[2] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

'Mr. Lincoln never I think studied history except in connection with politics with the exception of the history of the Netherlands and of the revolutions of 1640 and 1688 in England and of our revolutionary struggle he regarded it as of trifling value as teaching by example.'

[3] Stuart's statement, no date. Weik MSS.

[4] Probably James Prior's *Memoir of Burke*, first published in 1826.

[5] Herndon to Weik, Feb., 1887. Weik MSS. 'This, Mr. Lincoln said to me in substance just as I have written it.' *Cf.* version of this opinion in Herndon, III, 437 *n.*

structive.' He even prepared a lecture on the origin and growth of speech.[1]

We are now well within the period when accounts of Lincoln are given by men of trained minds, lawyers for the most part, who were with him much of the time and who made their statements not many years after the happening of the incidents they relate. Their testimony is, therefore, more trustworthy than the recollections on which we have had to rely, of very old persons concerning things that took place many decades before the narration of them and obviously colored by the desire to be associated with Lincoln's fame. Yet even those who rode the circuit and practised law with him were so influenced by the atmosphere of adulation which surrounded them when they gave their descriptions, that their accounts must be received with caution. Indeed, some of these men appear to have been under a sort of intimidation. Swett, for instance, wrote a letter to Herndon which renders valueless parts of his published reminiscences. He admonished Herndon that the truth must not be told, because, at that time, the public would disbelieve and resent it.[2]

Bearing in mind the conditions under which Lincoln's associates gave their recollections of him, his outstanding characteristics upon which all agree are the more impressive. Of these characteristics the most striking was Lincoln's melancholy. Everybody observed his abysmal sadness. His gloom was not periodical and succeeded by weeks of brightness, but was made manifest every day, yet interwoven with hours of abnormal gayety — black despondency and boisterous humor following one another like cloud and sunshine in a day of doubtful storm.

Sometimes his depression was shown in strange ways. When on the circuit, Judge Davis and two other lawyers often slept in the same room, Davis in one bed, and the other two together in another bed. Once at Danville, where this arrangement always was made, Whitney, who was sleeping with Lincoln that night,

[1] Gillespie to Herndon, Dec. 8, 1866. Weik MSS. Lincoln never delivered this lecture, nor has the MS. of it been found.

[2] Swett to Herndon, Aug. 30, 1887. Weik MSS. 'You will note that I have stricken out all allusion to Mr. Lincoln's swearing, and reading the Bible. . . . The public would believe I lied about it. . . . The heroes of the world are its standards, and in time . . . they become clothed with imaginary virtues.'

was awakened early in the morning by the sound of a voice. It came from Lincoln who was sitting on the side of the bed talking incoherently to himself. The weather was cold and he finally got up, put wood on the fire, and sat before it staring into the blaze and mumbling now and then, seemingly profoundly sad. When Judge Davis and Whitney arose at the usual hour, Lincoln had not moved. They said nothing to him about the circumstance for, testifies Whitney, 'we knew this trait: it was not remarkable for Lincoln.' [1]

Time and again Herndon had experiences of the same nature. Lincoln would sit opposite his partner at the table in their office; for a long time he would look with vacant eyes steadily at the wall, without a sound or a motion, unconscious of Herndon's presence; suddenly he would spring to his feet, burst into wild laughter and rush from the room, through the hallway and down the stairs. Anxious and mystified, Herndon would go after Lincoln to learn the cause and outcome of his seizure. But out on the street, he would be normal again, amusing acquaintances with story or jest as if nothing had happened.[2] Joseph Gillespie testifies that 'Mr. Lincoln appeared to be either extremely mirthful or extremely sad.' [3]

So intermingled were Lincoln's melancholy and abstraction that some of his friends and admirers could not tell whether he was lost in thought or gloom. Judge Lawrence Weldon, then a young lawyer, literally adored Lincoln and is one of the most

[1] Whitney, 47–8. Judge Davis occupied 'a three-quarter bed, and Lincoln and I occupying the other one, jointly. . . . One morning, I was awakened early — before daylight — by my companion sitting up in bed, his figure dimly visible by the ghostly firelight, and talking the wildest and most incoherent nonsense all to himself.

'A stranger to Lincoln would have supposed that he had suddenly gone insane. Of course I knew Lincoln and his idiosyncrasies, and felt no alarm, so I listened and laughed.

'After he had gone on in this way for, say, five minutes, while I was awake, and I know not how long *before* I was awake, he sprang out of bed, hurriedly washed, and jumped into his clothes, put some wood on the fire, and then sat in front of it, moodily, dejectedly, in a most sombre and gloomy spell, till the breakfast bell rang, when he started, as if from sleep, and went with us to breakfast.

'Neither Davis nor I spoke to him; we knew this trait; it was not remarkable for Lincoln, although this time to which I refer was a radical manifestation of it, a proof that "True wit to madness, sure, is oft allied."'

[2] Herndon to Weik. Weik MSS.

[3] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

credible witnesses as to his appearance and conduct during Lincoln's last six years on the circuit. He relates that Lincoln 'would frequently lapse into reverie and remain lost in thought long after the rest of us had retired for the night, and more than once I remember waking up early in the morning to find him sitting before the fire, his mind apparently concentrated on some subject, and with the saddest expression I have ever seen in a human being's eyes.' [1] When thus gazing into dying flames, says Weldon, he would often recite 'Mortality.' [2]

As trustworthy as testimony can be in the account of his observation and experiences with Lincoln is the narrative of Jonathan Birch, which was found among his papers after his death. Birch, when a youth, studied law in his brother's office at Bloomington, Illinois, and, as we shall presently see, Lincoln arranged for his admission to the bar. Like young Weldon, he loved and admired Lincoln and almost worshipped his memory. He relates that, when attending court at Bloomington, Lincoln would keep hearers in court-room, office, or on the street convulsed with laughter at one hour and the next hour be so deeply submerged in speculation or despair that no one dared arouse him. He would, says Birch, sit in a chair tilted against the wall, his feet on the lower rung, legs drawn up and knees level with his chin, hat tipped forward, hands clasped about knees, eyes infinitely sad, 'the very picture of dejection and gloom. Thus absorbed I have seen him sit for hours at a time defying the interruption of even his closest friends.' [3]

Whatever the quality of the witnesses who give various accounts of Lincoln at the bar, all concur upon his extreme depression throughout this decade. 'Melancholy dripped from him as

[1] Weldon in Hill, 190–1.

[2] Weldon to Herndon, Feb. 10, 1866, as quoted in Herndon, II, 319.

[3] Paper on Lincoln by Jonathan Birch of Greencastle, Ind. Weik MSS. Mr. Birch enlisted in the Union Army at the outbreak of the Civil War and served throughout that conflict. After the war was over he settled at Greencastle. He was regarded, by members of his profession and by all who knew him, as a man of a remarkable devotion to truth and a curious insistence upon accuracy of statement, even in the smallest details.

The value of Birch's narrative is enhanced by the fact that it was written for his own satisfaction and not for publication. The author, when in college, knew Captain Birch, then a very old man. See Weik, 133.

he walked,' says Herndon; [1] and his face 'when in repose . . . was . . . prevaded by a look of dejection as painful as it was prominent.' [2] Often when on the street, he was so abstracted that he took no notice of those who met and spoke to him.[3] He would look directly at some one for a long time without seeing him.[4] Whitney testifies that Lincoln would shake hands with him without knowing it; [5] even when in court he would act as if he were in a solitude. In the thick of busy scenes, declares his circuit companion, Lincoln would be 'entirely oblivious of all that was passing before his very eyes.' Whitney felt that Lincoln's despondency was 'mysterious,' a term frequently used by other observers in their futile efforts to describe his sombre state of mind. So intense and conspicuous was his gloom that people felt sorry for him.[6]

Weik thought that accounts of Lincoln's sadness must be exaggerated, and, when gathering materials for his book, pointedly asked those most closely associated with Lincoln the truth of the matter — Stuart, Matheny, Judge Treat, Judge Davis, Swett, Whitney, and others. 'My inquiry on this subject among Lincoln's close friends,' declares Weik, 'convinced me that men who never saw him could scarcely realize this tendency to melancholy.' [7] This brooding was strongly colored by apprehension of personal disaster. 'Billy, I fear that I shall meet with some terrible end,' he said to his partner upon coming out of one of these fits of dejection.[8]

As we have seen, Lincoln quoted poetry a great deal, but the poems he repeated oftenest were those that expressed hopelessness, woe, and foreboding.[9] 'Oh, why should the spirit of mortal

[1] Weik, 113. [2] Herndon's Lecture. *Ib.*, 113–4.

[3] Herndon to Weik, Feb. 11, 1887. Weik MSS.

[4] J. H. Burnham of Bloomington, in High School *Ægis*, Feb., 1906, 70–1. Burnham says that he, personally, had this experience with Lincoln.

[5] Whitney, 111. 'I can recollect of two distinct occasions when he saw me plainly, and shook hands with me, rather mechanically, yet with apparent intelligence, and notwithstanding this, he repeated the same performance, but with zeal and enthusiasm, within one hour thereafter, assuring me that I was mistaken, that he had not spoken to me before, that day.' See also *ib.*, 113, 139.

[6] 'His sad countenance aroused universal sympathy.' Whitney, 107.

[7] Weik, 112.

[8] Herndon to Bartlett, Aug. 16, 1887. MS. Mass. Hist. Soc'y.

[9] Herndon, II, 320.

be proud,' he would begin, and recite the whole of that rhyme on futility; or Holmes's 'Last Leaf,' or Poe's 'Raven,' or poems of resignation.[1] Once when walking along a street in Springfield, he heard a young woman in a house singing 'The Enquiry.' At Lincoln's request she sent him the lines and he read them over and over, 'charmed' with them, as Herndon expresses it. This poem, too, was on earthly despair.[2] One day in Whitney's office at Urbana he surprised his youthful colleague by picking up a copy of Byron — 'which no boy's library at that time was without' — and reading impressively and sadly from the third canto of Childe Harold's verses about the desolation of greatness.[3] Whatever the cause, the bleak fact remains that the dominant quality in Lincoln's life, from 1849 to the end, was a sadness so profound that the depths of it cannot be sounded or estimated by normal minds.[4]

Certainly political disappointment had something to do with his despondency. As we shall see he was deeply engaged in politics during practically the whole time covered by descriptions of him as a lawyer given by his associates at the bar; and he suffered two big defeats, each of which, as we are told by those closest to him at the time, he regarded as fatal to his political career.[5] That career was the thing he cared most about.

[1] Stuart's statement, *supra;* Weldon: Rice, 213; Herndon, II, 320. Poe's 'Raven' first appeared in the *Whig Review*, 1845.

[2] Herndon, II, 320–2, where the verses are printed. This poem, written by Charles Mackay, ranges the universe with the enquiry as to where surcease can be found; winds, sea, moon, answer that happiness does not exist on earth; but, finally, the 'secret soul' of man reassures him that balm and blessing are to be experienced only in heaven.

[3] Whitney, 141.

[4] *Ib.*, 140. He was 'naturally' disposed to be pessimistic. Gillespie to Herndon, Jan. 31, 1866. Weik MSS.

Stuart attributed his depression to a sluggish liver, and after Lincoln's election to the Presidency, advised him to take blue-mass pills. He did so for awhile, but had no relief from them and stopped using them. Whitney, 139.

Domestic unhappiness was the theory of Judge Davis: 'It seemed to me that L[incoln] was not domestically happy.' Judge Davis gave this as a reason for Lincoln's refusal to go home Saturdays, when on the Circuit. Davis's statement, Sept. 20, 1866. Weik MSS.

Herndon and many others thought that political disappointment and Mrs. Lincoln's temper combined were the causes which produced Lincoln's sadness; although his partner also included derangement of secretions.

[5] In 1855 and 1858, both for the Senate.

Writing to his collaborator, when their book was in process of making, Herndon assured Weik that 'at this time he despaired of ever rising again in the political world; he was very sad and terribly gloomy.' [1] Seemingly, Weik was anxious to put emphasis on his eminence in the law, for Herndon asks his literary partner: 'How are you going to make a *great* lawyer out of Lincoln? His soul was afire with its own ambition and that was not law.' Indeed, continues Herndon, he did not care much about law, but thought constantly of politics.[2] And even the alertly partial Gillespie concedes that 'he was unquestionably ambitious for official distinction,' but hastens to reassure us. 'He only desired place to enable him to do good and serve his country and his kind.' [3]

Interwoven with Lincoln's black moods was a vein of superstition; [4] he 'believed more or less in dreams, . . . had apparitions and tried to solve them,' Herndon confides to Bartlett the sculptor.[5] Running, like a thread of changing colors through the fabric of contradictions that made up Lincoln's character was a freakish credulity in strange antagonism to the general attitude of his inquiring and doubting mind. For instance, he believed in the 'mad-stone' and Mrs. Wallace relates that once, when Bob was bitten by a dog, Lincoln took the boy to Terre Haute to have that remedy applied.[6] The reason of his faith in mad-stones, he explained to Gillespie, was that 'he found the People in the neighborhood of these stones fully impressed with the belief in their virtues from actual experiment.' [7] Yet Lincoln had developed a sort of fatalism; [8] what was to be would be, he thought, modified somewhat, but not much, by personal exertions.

[1] Herndon to Weik, Oct. 28, 1885. Weik MSS.

[2] *Ib.*, Dec. 9, 1886. Weik MSS.

[3] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[4] Same to same, Jan. 31 and Dec. 8, 1866. Weik MSS.

[5] Herndon to Bartlett, Aug. 16, 1887. MS. Mass. Hist. Soc'y.

[6] Mrs. Wallace's statement. Weik MSS.

[7] Gillespie to Herndon, Jan. 31, 1866. Weik MSS.

[8] Whitney, 140–1, 149.

'Closely allied with this sad trait was an inherent belief in his destiny; perhaps the specific destiny was not very clearly indicated, but that, somehow . . . Destiny, had touched him with her wand, and marked him for her own.'

From his talk and actions, Herndon became saturated with the conviction that his partner was a votary of the idea of a fixed destiny, whose chosen child Herndon firmly believed Lincoln to be; and he spins endless cobwebs of speculation in his effort to analyze and explain this curious element of Lincoln's character.[1] Gillespie was puzzled, too, though he bravely struggles to reconcile his friend's fatalism with orthodox religious views. 'I do not think that he was what I would term, a blind believer in fate or destiny, but that he considered the means foreordained as well as the end, and therefore he was extremely diligent in the use of the means.' [2]

He was particularly obliging and helpful to young lawyers.[3] Lincoln always paid marked attention to all young men; nor did he discriminate against those whose habits were bad. In fact, as will presently appear, he showed great fondness for their company.[4] For there was not a trace of the Pharisee about Lincoln. But he especially cultivated the younger members of the bar and law students, and they in turn were devoted to Lincoln.[5] 'It seemed,' writes Whitney, 'as if he wooed me to close intimacy and familiarity, at once' — this out of sheer kindness of heart.[6] He never was too busy to give advice to a young attorney, never too occupied to help him solve a knotty legal problem.[7] 'Lincoln was so good natured, and so willing to give advice, that young lawyers went to him a great deal.' [8]

One of the best descriptions of Lincoln on the circuit is given by Judge Weldon when telling of Lincoln's hearty willingness to

[1] Herndon to Weik, Feb. 26, 1891, on 'Lincoln's philosophy'; Herndon undated MS. Weik MSS.

[2] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.; Whitney, 267–8.

[3] Weldon: Rice, 200.

[4] For accounts of these dissolute associates of Lincoln see Weik, 215–6. Judge Davis says that Lincoln's love of jokes made him take up with low vulgar and unscrupulous men; but that 'he used such men as a tool.' Sept. 20, 1866. Weik MSS.

'Lincoln and George Lawrence, a worthless, drunken lawyer, used to play billiards together: one played about as well as the other.' Whitney to Weik, Aug. 27, 1887. Weik MSS.

[5] Washburne: Rice, 16–7.

[6] Whitney, 31.

[7] *Ib.*, 111–2. Whitney says that Lincoln would thus help any lawyer, old as well as young.

[8] Whitney to Herndon, Aug. 27, 1887. Weik MSS.

assist him soon after Weldon began to practise. He went to the older lawyer in the court-room at Bloomington and asked what he ought to do in a confused matter. Lincoln was without coat or vest and a button for his suspenders had come off his trousers.

'"Wait until I fix this plug for my 'gallis,'" said Lincoln, "and I will pitch into that like a dog at a root." While speaking,' continues Judge Weldon, 'he was busily engaged in trying to connect his suspender with his pants by making a "plug" perform the function of a button.' [1]

Young lawyers at county seats would get Lincoln to help them try difficult cases. In Tazewell County a youthful attorney thus employed him to defend a man indicted for obstructing the public road. 'I want you to open the case,' said Lincoln, 'and when you are doing it talk to the jury as though your client's fate depends on every word you utter. Forget that you have any one to fall back upon, and you will do justice to yourself and your client.' James Haines, who relates this incident, gives it as 'a fair sample of the way he [Lincoln] treated younger members of the bar.' [2]

Young Birch wanted to be admitted to the bar, but could not get a license because of a rule in that examining district which required that the applicant should have studied at least two years in the office of a practising lawyer. Lincoln heard of the youth's predicament, sent for him, told him that there was no such rule in the Springfield district, suggested that he go to that town and from there make the proper application to the Supreme Court, asking the appointment of a special committee to examine him. Birch did so and Lincoln was designated as examiner. 'I remember,' narrates Birch, 'his first question was: "What books have you read?" When I had told him he said: "Well, that is more than I had read before I was admitted to the practice."' Then Lincoln told a story of his encounter with a college-bred lawyer whose learning impressed the bench and bar, but whose erudition was all lost on the jury; 'and they,' said Lincoln, 'were the fellows I was aiming at.' Suddenly he re-

[1] Weldon: Rice, 200–1.

[2] Haines to Hill: Hill, 186–7. The case was People *vs.* Gideon Hawley; there were thirty-two counts in the indictment.

sumed the examination, rapidly asking questions to test Birch's memory, although 'they bore but a faint relation to the practice of law.' Stopping abruptly Lincoln remarked: 'Well, I reckon I've asked you enough,' wrote a certificate recommending the license, told Birch what books to study thereafter, and the young man's ordeal was over.[1]

If Lincoln was ever happy after his breakdown in 1841, it was when riding the old Eighth Circuit or when trying a case in some little county seat court-house. 'In my opinion,' says Judge Davis, 'Mr. Lincoln was happy, as happy as *he* could be, when on this Circuit, and happy in no other place. This was his place of enjoyment.'[2] The life led by lawyers in those rural courts and at country taverns was care-free and merry. Usually they went in companies from town to town. Never less than a day was required for these journeys, and often two and even three days were necessary. The seasons were the best for travel, and in spring and early summer the prairies were grandly beautiful. Wild flowers filled with color the waving grass which, interspersed with delightful groves, stretched into the far distance. Travellers who saw the Illinois prairies at that time wrote well-nigh ecstatic descriptions of the loveliness and magnificence of the spectacle.

The country was still thinly settled,[3] and in some parts of the Eighth Circuit no house, no field, no sign of human occupation appeared for a score of miles.[4] 'The wild Illinois prairies . . . [were] then[5] quite as desolate and almost as solitary as at Creation's dawn,' asserts Whitney.[6] When the building of the Illinois Central Railroad began in 1853, the country for more than a hundred miles south of Chicago 'was an almost unbroken prairie, inhabited only by deer, wolves, and other wild animals, with no settlement in view.'[7] In 1854, when Champaign County was twenty years old, 'vast, undulating prairies were seen on every hand. . . . Within all its borders not twenty

[1] Birch's narrative. The Supreme Court at once issued the license on Lincoln's recommendation.

[2] Judge Davis's statement, Sept. 20, 1886. Weik MSS.

[3] Swett: Rice, 455–6. [4] Caton, 101, 220.

[5] 1854–57. [6] Whitney, 40.

[7] *Illinois Central Railroad:* W. K. Ackerman, 83–4.

houses were to be found one mile from the protection and convenience of a grove or belt of timber. . . . Probably two-thirds of the lands of the county were owned by the Government, and the solitude and stillness of nature was almost universal.' [1]

Along the country roads, through and across these far-flung miles of grass and flowers and scattered clumps of trees, went the Illinois circuit-riding lawyers of the fifties. 'The itinerant lawyer was as sure to come as the trees to bud or the leaves to fall,' declares one of them.[2] Remarkable men they were, of uncommon ability and excellent lawyers.[3]

Sometimes several lawyers rode with the Judge in a wagon; more often they went in groups of two, or three, or four. They told stories, argued, talked politics and philosophy, and, led by Lincoln's Danville partner, Ward Lamon, sang negro melodies.[4] At the tavern when the county seat was reached at night-fall, mirth and jollity reigned among them. Indeed all of court time at these country towns was full of activity and varied interest for bench and bar — in court all day, at the tavern all night, every waking hour 'replete with bustle, business, energy, hilarity, novelty, irony, sarcasm, excitement, and eloquence,' as the lawyer-historian of the old Eighth Circuit describes the life.[5] Of these happy, fun-loving, fun-making companies Lincoln was always the centre and inspiration.

For his exuberant humor was almost as pronounced as his melancholy and abstraction. The absurd anywhere always caught his watchful eye: a showman's advertisement of a 'grate

[1] Cunningham, 745. Writing to the Chicago *Daily Democratic Press*, April 25, 1854, a land investigator describes thirty miles of country in Champaign County as 'a wild, rich, boundless, and almost unsettled prairie.' In ten miles there was 'not a house or improvement.' Urbana had 'a few small stores and residences.' *Ib.*, and see Whitney, 41.

[2] Weldon: Rice, 200.

[3] Whitney, 265. After naming the members of the bar of the Eighth Circuit, Whitney says: 'These were great men, . . . three of them were, at times, Supreme [Court] Judges, four of them have been Congressmen, three U.S. Senators and one a governor. Two or three of them were among the best lawyers in the State, or any other state.'

Speaking of the leaders of the bar during Lincoln's first years as a lawyer, Chief Justice Caton says: 'All of these men would have ranked high at any bar, and were thoroughly read in the fundamental principles of the law.' Caton, 52. Caton names Logan, Stuart, Browning, Ford, Hardin, all from the South; and Breese, Baker, and himself, from the East.

[4] Whitney, 49. [5] *Ib.*, 42.

sho of snaix' amused him vastly.[1] His stories were incessant, inexhaustible. 'It was as a humorist that he towered above all other men it was ever my lot to meet,' Gillespie wrote to Herndon. Although 'Illinois was conspicuous for the number of its story-tellers . . . when Mr. Lincoln was about I never knew a man who would pretend to vie with him in entertaining a crowd.'[2] Judge Davis sometimes stopped court to listen to Lincoln's stories.[3] 'O Lord wasn't he funny?' exclaimed Linder.[4] Any remark, any incident brought from him an appropriate tale. The fact that these stories were frequently broad and sometime indecent did not detract from the boisterous enjoyment of them.[5] Lincoln laughed at his own jokes as uproariously as any who heard him. He insisted that country folk, and especially farmer boys, were the originators of nearly all good stories; and he declared that it was from this source that he got the best of those he told.[6]

Such a return to the grass roots was merely a phase of Lincoln's belief in the people as the origin of all that is wise, right, and attractive. One of the first cases that Herndon laid before Lincoln upon his return from Congress, related to the narrowing of suffrage. Lincoln refused to join his partner, who had become city attorney, in the argument. 'I am opposed,' he said, 'to lessening the right of suffrage; and I am in favor of its extension and enlargement. . . . I don't intend by any act of mine to crush or contract suffrage.'[7]

Although he professed to get his stories from the people, Lincoln himself would construct a tale from anything unusual. At Postville, when it was the capital of Logan County, a man came to the inn at midnight, aroused the landlord, and awakened everybody else, with a demand for whisky. There chanced to be none in the tavern and every place in the hamlet where a drink

[1] Whitney, 183.

[2] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[3] Whitney's statement.

[4] Linder to Gillespie, Aug. 8, 1867. MS. Chicago Hist. Socy.

[5] Whitney, 45. 'The pity is that his funniest stories don't circulate in polite society or get embalmed in type.'

[6] 'He always maintained stoutly that the best stories originated with Country boys and in the rural districts.' Gillespie to Herndon, Jan. 31, 1866. Weik MSS.

[7] Herndon MS. no date. Weik MSS.

could be had was closed for the night. 'Great Heavens! Give me an ear of corn and a tin cup and I'll make it myself,' cried the thirsty visitor. Lincoln who was in the hostelry, thought the incident funny in the extreme and made from it one of his most popular stories.[1] Yet he could not analyze his gift. 'He used to say that the attempt to ascertain wherein wit consisted baffled him more than any other undertaking of the kind. That the first impression would be that the thing was of easy solution, but the varieties of wit were so great that what would explain one case would be wholly inapplicable to another.' [2]

When on the circuit, everybody — Judge Davis, the lawyers, court officials, witnesses, plaintiffs, and defendants in law suits, even those indicted for offences — ate at the same long table in the village tavern.[3] Here Lincoln was as indifferent to food as he was in Springfield. Others complained, and often swore: Lincoln accepted with good humor everything set before him. 'Well, in the absence of anything to eat I will pitch into this cabbage,' was a remark that Judge Davis remembered for a dozen years.[4] Whitney and Herndon were convinced that Lincoln did not know whether food was well or badly cooked — did not, indeed, realize what he was eating, just as he had no idea whether or not his clothes fitted.[5] Gillespie testifies that Lincoln cared nothing whatever about the kind or quality of the food he ate; [6] and he was equally indifferent as to where or with whom he slept.[7] Herndon confirms these accounts. 'Lincoln had a good appetite and good digestion, ate mechanically . . . he filled up and that is all: he never complained of bad food nor praised the food.' [8]

During terms of court in county seats, each of which terms lasted from three days to a fortnight or more,[9] a select company of lawyers gathered at night in the room of Judge Davis. When court was held in their own and near-by counties, Swett, Whit-

[1] Stringer, 216. [2] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.
[3] Whitney, 42; Caton, 115. Judge Caton says there were a number of tables.
[4] Davis's statement, Sept. 20, 1866. Weik MSS.
[5] Whitney, 52, 111.
[6] Gillespie to Herndon, Jan. 31, 1866.
[7] Whitney's statement, no date. Weik MSS.
[8] Herndon to Weik, Feb. 5, 1887. Weik MSS. [9] Linder, 183.

ney, and Lamon were among those who gathered in the Judge's room, at the country hotels, 'the scenes of our revelries;' [1] but Lincoln was always there in every county seat of the district. The leading men of the town were present too, merchants, the local banker, doctors, and farmers, who were attending court. If any one came whom Davis disliked, he was 'frozen out.' [2] It was these assemblages which continued far into the night, jollity and argument concealing the flight of the hours. Often lawyers were tried and fined for some impropriety — talking too loud or long to a jury, charging too small or too big a fee, and the like — before an 'orgmathorial' court, as Davis called it, held in his room; and the merrymakers would display as much ingenuity and eloquence in these contests as they did in the court room.[3]

Liquor was plentiful at some of these gatherings and at other times when lawyers assembled, but Lincoln never joined in the drinking. When he was with the 'coterie,' [4] Ward Lamon, Lincoln's local partner at Danville, was usually expected to provide a pitcher of whisky.[5] 'Things were free and easy in Urbana and Danville,' says Whitney. 'There was a hard crowd used to meet us in the latter town. Lincoln was not as gloomy at that end of the Circuit as in yours.' [6] Lincoln never objected to anyone else drinking, although he did not, himself, drink. Nor did he use tobacco. 'He was a remarkably temperate man,' testified Gillespie, 'eschewing every indulgence not so much, as it seemed to me, from principle as from want of appetites. I never heard him declaim against the use of tobacco or other stimulants although he never indulged in them.' [7] When Douglas offered Lincoln a

[1] Whitney, 47.

[2] *Ib.*, 45, 62. It would seem that the only test was whether a man was personally agreeable. Once a defendant on trial for perjury, spent the evening with 'the coterie' in Davis's room. *Ib.*, 52.

'Davis would freeze out of our charmed circle any disagreeable persons.' Whitney's statement, no date. Weik MSS.

[3] Whitney, 46–7.

[4] Davis, Swett, Whitney, Lamon, and Lincoln. Whitney, 47.

[5] *Ib.*, 50–1. Also Whitney's statement, no date. Weik MSS. 'Lamon would have whisky in his office for the drinking ones.'

[6] Whitney to Herndon, Aug. 27, 1887. Weik MSS.

[7] Gillespie to Herndon, Jan. 31, 1866. Weik MSS.

drink at Bloomington in 1854, he answered: 'I do not drink anything, and have not done so for a very many years.' [1]

Swett says that Lincoln told him that he 'never tasted liquor in his life.' [2] But Herndon in his lecture on Lincoln quotes his partner as saying: 'I am entitled to little credit for not drinking, because I hate the stuff. It is unpleasant and always leaves me flabby and undone.' [3] And Herndon assured Weik that Lincoln 'did sometimes take a horn . . . when he thought it would do him good.' [4] Whitney says that Lincoln 'did not drink at all;' [5] but relates that 'once I remember several of us drove out to the residence of Reason Hooten, near Danville, where we were treated to several varieties of home-made wine. A mere sip of each affected Lincoln, and he said comically: "Fellers, I'm getting drunk." That was the nearest approach to inebriety I ever saw in him.' [6]

Far into the night — sometimes all night long — they told stories, cracked jokes, talked of the state of the country, discussed the progress or decline of man.[7] Wit sparkled in the ill-furnished room of the country tavern and laughter rang. 'All were young men,' relates Chief Justice Caton, 'and after the pressure of the first few days of the court was over, they spent their evenings, and I may say nights, in hilarity, which was at times . . . boisterous.' [8] There were wisdom too, and sound sense, and searching comment. In all this merriment and solid conversation Lincoln was the leader. 'Ah! what glorious fun we had sometimes!' exclaims Linder with reminiscent regret.[9] Small wonder that bright pictures of these gay nights did not fade from the recollection of these jolly circuit-riders of the bar, for 'the good cheer and conviviality were exuberant,' especially

[1] Weldon: Rice, 198. Judge Weldon says that he saw and heard this incident.

[2] Swett: Rice, 462–3.

[3] Weik, 111; Herndon to Weik, Feb. 5, 1887. Weik MSS.

[4] *Ib.*, and same to same, Nov. 17, 1885. Weik MSS.

[5] Whitney's statement. Weik MSS.

[6] Whitney, 157.

[7] *Ib.*, 45. 'We frequently talked philosophy, politics, political economy, metaphysics and men; . . . our subjects of conversation ranged through the universe of thought and experience.'

[8] Caton, 52.

[9] Linder, 183.

when the docket was light.[1] Lincoln was, asserts the adoring Lamon, 'the life and light of the court.' [2]

Yet — inexplicable mingling of incongruous characteristics — Lincoln was singularly aloof. He was undemonstrative, even cold, seemingly without emotion.[3] He permitted no familiarity, such as slapping on the shoulder or back, and never indulged in it himself.[4] He called by their first names jurors and acquaintances among farmers and the 'common people,' but, grotesque inconsistency, he spoke to all but two of his close friends and associates at the bar by the family name, rarely by the Christian name, as Whitney instead of Henry, Logan, not Stephen, Swett, not Leonard; and he was similarly addressed as Lincoln, not as Abe nor as Mr. Lincoln.[5] Once when a street urchin shouted 'Abe' at Lincoln, he was astonished although amused.[6] When speaking of Lincoln, however, although not in his presence, he was generally referred to as 'Uncle Abe.' [7] He was often spoken of as 'Old Abe' and 'Honest Old Abe,' in the correspondence of friendly newspapers during his political contests.[8] Lincoln called a few by their first names, as Lamon, whom Lincoln called 'Hill,' [9] and Herndon whom he usually called 'William,' and sometimes 'Billy.'

If there was a show of any kind in town, Lincoln never failed to go. At Danville, one night, he was absent from the usual gathering in Judge Davis's room. After Davis and Whitney had gone to bed Lincoln came in and told them he had been to an entertainment where he saw a 'magic lantern' by which 'wonderful sights, and transformations' were shown. There were an 'electrical machine,' too, and other marvels. Lincoln described

[1] Whitney, 41. [2] *Recollections:* Lamon, 16.

[3] Gillespie to Herndon, Jan. 31, 1866, Weik MSS. 'Mr. Lincoln was undemonstrative . . . so he was sometimes misunderstood. He was by some considered cold hearted or at least indifferent towards his friends.' Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[4] Hill, 174–5. [5] Whitney, 53; Judge Weldon to Hill: Hill, 175.

[6] Hill, 175. [7] Whitney, 53.

[8] For example, *Chicago Tribune*, Sept. 14, 1858: 'Old Abe in Montgomery County.' The *Tribune* published Lincoln's biography in 1860 under the title of 'HONEST OLD ABE, PEOPLES CANDIDATE.' *Ib.*, May 19, 1860. That paper announced the Republican victory as 'HONEST OLD ABE ELECTED.' *Ib.*, Nov. 7, 1860.

[9] Whitney, 53.

all the features of 'that primitive show,' relates Whitney, 'with as much zest and enthusiasm as a school-boy would have done.' The next night he went again to witness 'an entire change of programme.' [1]

Negro minstrels were his especial delight. When trying the 'sand bar' case in Chicago, in 1860, he went with Whitney to a performance of Rumsey and Newcomb's Minstrels and heard 'Dixie,' then sung for the first time in that city. Lincoln, pleased with and applauding everything at the show, was enthusiastic over 'Dixie' and loudly called for a repetition of it.[2] Thus began his fondness for the Southern song which we shall see him manifest in significant fashion at a dramatic and critical hour.[3]

Lincoln preferred going alone to shows. Once at Bloomington, for instance, when he, Stuart, and Whitney were together at the hotel, Lincoln went by himself, although Stuart also was in the audience.[4] A company of singers, calling themselves 'the Newhall Family,' regularly visited several towns in the Eighth Circuit, and Lincoln always attended their concerts.[5] He greatly liked one of the troupe, Mrs. Lois E. Hillis, and wrote out and gave her the poem 'Mortality' which he had recited for her at the hotel on the previous evening. Mrs. Hillis, he declared, was 'the only woman that ever appreciated me enough to pay me a compliment.' [6]

Not only were his stories funnier and more pointed than those told by the others, his wit keener, his remarks shrewder, but he was the best liked of all the company.[7] There was little envy or jealousy in Lincoln, and he generously praised his rivals.[8] It is

[1] Whitney, 132.

[2] *Ib.*, 87–8. It was 'the most extravagant minstrel performance I ever saw. Lincoln was perfectly "taken" with it; and clapped his great hands, demanding an *encore*, louder than anyone. I never saw him so enthusiastic.'

[3] In April, 1865. Whitney, 89.

[4] *Ib.*, 51; Whitney's statement, no date. Weik MSS.

[5] 'If they struck a town where Lincoln happened to be, he would invariably arrange his affairs so that he could be at the church or town hall in time to attend their entertainment. No trial, consultation or business engagement of any kind was allowed to interfere.' Whitney's statement to Weik. Weik, 76; Whitney to Weik, Aug. 27, 1887. Weik MSS.

[6] Whitney, 51; Whitney to Herndon, Aug. 27, 1887. Weik MSS.

[7] Washburne: Rice, 14; Weldon: *ib.*, 197.

[8] Whitney's statement. Weik MSS.

impossible for us to realize the spell he exercised by sheer personal presence, impossible to realize the irresistible quality of his stories, or the pungency of his humor, or the depth of his philosophy. When read, the tales he told appear to be commonplace and sometimes repellent, his humor flat, his comment neither unusual nor profound; but when vitalized and lighted by his presence and personality, all he said had compelling effect upon his companions, a sort of wizardry, not to be understood nor even apprehended by those who never saw nor heard him. Yet Herndon assures us that other lawyers in Springfield were jealous of Lincoln as his practice grew.[1]

Even to his friends Lincoln's irruptions of humor were as incomprehensible as his long and abysmal periods of despair. Both his glee and melancholy were colossal, like cataclysms of nature, vast, without restraint, wholly abnormal and wholly fascinating. Those who were oftenest with him, disagree in their attempts to analyze his mind and character. Judge O. T. Reeves of Bloomington, who met Lincoln frequently from March, 1855, until his nomination for the presidency and often tried cases with him, says that Lincoln's personality was 'complex and not easy of solution.' [2]

Whitney thought that Lincoln was hugely 'uneven,' 'eccentric,' without balance or proportion.[3] Gillespie, on the contrary, was sure that no element of his nature was preponderant, but that having all the qualities of the average man and in the average proportion, in Lincoln those qualities were magnified tremendously.[4] The mystical Herndon found the miraculous in his inexplicable partner.[5] But none of them understood Lincoln,

[1] Herndon, II, 356.

[2] Judge O. T. Reeves in *Bloomington Pantagraph*, March 13, 1909.

[3] Whitney, 147–8. 'I repeat that his was one of the most uneven eccentric and heterogeneous characters. . . . One of the most obvious of Mr. Lincoln's peculiarities was his dissimilitude of qualities, or inequality of conduct, his dignity of deportment and action, interspersed with freaks of frivolity and inanity; his high aspiration and achievement, and his descent into the most primitive vales of listlessness, and the most ridiculous buffoonery.'

[4] Gillespie to Herndon, Jan. 31, 1866. Weik MSS.

[5] Herndon's lecture: Weik 104–5. 'To me he was ever imperturbable and mysterious.' 'Lincoln was a curious, mysterious, quite an incomprehensible man.' Herndon to Bartlett, Feb. 27, 1891. MS. Mass. Hist. Socy. This letter is one of the last Herndon ever wrote. He died a fortnight afterwards. Note by Bartlett on top of MS.

none really knew him. Perhaps no one ever understood him, or ever will understand him. After decades of that contact which is possible only between trusted partners and after twenty-two years of reflection succeeding that partnership, Herndon's puzzled and hopeless conclusion was that 'Lincoln is unknown and possibly always will be.' [1]

For he was secretive, reserved, infinitely cautious. 'He was a hidden man and wished to keep his own secrets,' asserts Herndon. When on the circuit, and indeed, in Springfield also, he was singularly taciturn about his own affairs. 'This terribly reticent, secretive, shut-mouth man never talked much about his history, plans, designs, purposes, intents, and when a man tells you this or that about what Lincoln said, believe what you *must* and no more,' was the information and advice Herndon gave Bartlett when gathering data for his volume on Lincoln.[2] 'I knew the man so well: he was the most reticent, secretive man I ever saw or expect to see,' said Davis to Herndon.[3] These qualities we shall see strikingly displayed while Lincoln was President. For historical purposes they are more important than his humor or his gloom. There was no dash in him, no gallantry of spirit. In the ordinary affairs of life he took no chances, hazarded nothing. Yet, as we shall see, at the greatest crisis of our history, this seemingly hesitant and overly sure-footed man made tremendous decisions and risked mightily.

He would not commit himself in casual talk as to his views on important questions. Particularly silent was he when the subject of religion was broached. Even to those most familiar with him and oftenest and most intimately in his company, he made no slightest mention of his religious opinions. Lincoln never spoke about such matters to Davis, or Whitney, or Swett, or Fell.[4] 'I never heard him mention religion at all,' asserts

[1] Herndon to Bartlett, Sept. 22, 1887. MS. Mass. Hist. Socy.

[2] Same to same, Aug. 22, Sept. 22, 1887. MS. Mass. Hist. Socy.

[3] Davis's statement, Sept. 20, 1866. Weik MSS.

'I watched the man closely for 30 years — 20 of which were just across this table, 10 × 3 ft. . . . He was incommunicative, silent, reticent, secretive.' Herndon to Bartlett, Oct., 1887. MS. Mass. Hist. Socy.

[4] For other notices of his opinions on religion, see p. 301, *supra*.

Whitney.[1] Jesse Fell of Normal, Illinois, whose personal relations with Lincoln make his testimony convincing, notes that 'Mr. Lincoln seldom communicated to any one his views on this subject.' [2]

Judge Davis declares: 'I don't know anything about Lincoln's Religion — don't think anybody knew.' [3] His neighbor in Springfield, James Gourley, to whom Lincoln talked as familiarly and with as little reticence as he talked to any one except Herndon, was of like opinion. 'Had he ever had a change of heart, religiously speaking, he would have told me about it,' insists Gourley; 'he couldn't have avoided it.' [4] G. O. Brown who often talked to Lincoln says that he 'never heard Lincoln say anything about his religious views — or religion in any aspect.' [5]

The only exception is that related by Father Chiniquy, of Kankakee County, 'a recusant Catholic priest,' as Whitney calls him. This loquacious clerical, who was always in trouble with somebody and was expelled from the priesthood, asserts that Lincoln confided to him, in the most unreserved fashion, his deep religious faith. The occasion for this revelation of Lincoln's views which he kept from everyone else, was a theatrical trial in which Lincoln was one of the attorneys for the bustling and pugnacious priest. In a part of Kankakee County was a settlement of French Catholics of which Chiniquy was pastor. He was also the 'proprietor' of a village called St. Anne's. One of his flock, Peter Spink, whom Whitney describes as 'a French gentleman of high honor and chivalric disposition,' and who certainly was a man of substance and standing, was 'proprietor' of another village, L'Erable in Iroquois County. In a sermon at this hamlet Chiniquy denounced Spink as a perjurer. The enraged Spink sued the priest for slander, and Chiniquy took a change of venue to Champaign County.

Picturesque was the sight in and about Urbana when the case came on for trial. The French inhabitants of St. Anne's and

[1] Whitney's statement. Weik MSS.

[2] Fell to Lamon, Sept. 22, 1870. Weik MSS.

[3] Davis's statement, Sept. 20, 1866. Weik MSS.

[4] Gourley's statement, no date. Weik MSS.

[5] Brown's statement, no date, but 1866. Weik MSS.

L'Erable attended en masse. Taverns were crowded, and families camped near the town. Spink had the best three lawyers in Champaign County and Chiniquy had four, Swett and Lincoln among them. The testimony, given in French, was translated by a young attorney from Kankakee, named Brosseau. When the lengthy trial was nearly over, word was brought that a juror's child was dying, the jury was dismissed and the case set for the next term. Again came the throng, again 'the camp-outfits, musicians, parrots, pet dogs and all.' But after the jury was chosen, Lincoln effected a compromise, which consisted in Chiniquy's retracting his charge against Spink and making the written apology entered in the court records.[1]

From this association Chiniquy boasted of intimate friendship with Lincoln. After Lincoln's death, in the first blaze of his fame, Chiniquy wrote an account of revelations about his destiny which he claimed Lincoln confided to his client. Whitney fairly snorted with angry disgust when told of it. It was, he said, mere 'sickly sentimentality. . . . That was not like Lincoln and I doubt if it ever happened.'[2] Judge Davis, before whom the whole proceedings were held, is positive and emphatic. The idea that he told his religious views to any one was absurd.[3]

During the term of court at each county seat the people came in from every township. Court week in spring and autumn was the gala season for the farmers and their families. At such times the whole country bought provisions for the next six months.[4] They came to town in big wagons filled with women and children. At these gatherings, everything of interest was talked about — the merits of this case and of that, who was the best lawyer, who the best pleader. But above all else, politics was the subject of conversation, argument, and dispute. Lawyers everywhere in Illinois during court week made political speeches for their respective parties after court had adjourned for the day.[5]

Usually there was a speech by a Democrat and one by a Whig, or a Republican after 1856, a form of joint debate. Lincoln was

[1] Whitney, 53–5; Weik, 162.
[2] Whitney's statement, no date, but in Whitney's handwriting. Weik MSS.
[3] Davis's statement, Sept. 20, 1866. Weik MSS.
[4] Whitney, 42. [5] Linder, 248.

always in demand and always in readiness. His humor, logic, droll stories and information, simple statement and apt illustration captivated the crowds of farmers.[1] In such fashion, and entirely aside from his frequent political debates on the stump during campaigns, Lincoln had a thorough schooling in this kind of public controversy, for, first and last, he rode the circuit for more than twenty years.

Thus Lincoln came to know, personally, more men, women, and children in Central Illinois than any other man, or with the possible exception of Judge Davis, than any dozen men combined. He called hundreds by their first names; [2] and he usually was acquainted with most and sometimes with each member of every jury before which he tried a case, and he always knew the leading men.[3] The advantage given Lincoln by this personal acquaintance and friendship with nearly every man who could be empanelled annoyed opposing counsel, but they never could overcome that advantage. Once when examining a jury a hostile lawyer tried to exclude one of them because of this circumstance, and Lincoln retorted sharply and with quick wit.

'Do you know Lincoln?' the lawyer asked of the juror. The court said that that inquiry was improper.

When his turn came to question the jury, Lincoln asked if the man knew the opposing attorney, and again the Judge admonished that such a fact was no disqualification.

'No, your Honor,' Lincoln replied mildly: 'but I am afraid some of the gentlemen may *not* know him, which would place me at a disadvantage.' [4]

The people believed what Lincoln said — or, rather, believed that he was sincere. This fact is often stated in political letters to the newspapers at that time. 'Such has become the established integrity of Lincoln with us,' writes the local correspondent of the *Chicago Tribune* in his account of a political meeting addressed by Lincoln at Danville, 'that let a jury be empanelled from any part of our populous county, to try a cause, and they will take his exposition of the law and the facts

[1] James S. Ewing's Recollections, in Bloomington High School *Ægis*, Feb., 1906, 69.
[2] Stringer, 212. [3] Weldon: Rice, 200.
[4] Judge Weldon to Hill: Hill, 214–5.

of a case without a scruple; for they know that as Lincoln has never misconstrued the law, nor perverted the evidence, they can follow him and do no wrong. And when a man brings that kind of a reputation on the hustings, his power with the people is almost omnipotent.' [1]

The opinion of Judges and lawyers as to Lincoln's honesty was as high as that of juries. Lincoln was 'the fairest lawyer I ever knew,' declares Justice Sidney Breese of the Supreme Court.[2] Whether arguing to the Bench, speaking to juries, or addressing audiences, he was so just that all who heard him made note of it.[3] 'I have often listened to him when I thought he would certainly state his case out of court,' relates Gillespie; and cites an instance where Lincoln abandoned a case in which Gillespie was opposed to him, rather than 'attempt to bolster up a false position.' [4] John Dean Caton, Chief Justice of the Supreme Court of Illinois during much of the time that Lincoln practised before that tribunal, testifies that 'he seemed entirely ignorant of the art of deception or of dissimulation. His frankness and candor were two great elements in his character which contributed to his professional success.' [5]

These formal tributes to Lincoln prepared for the public are sustained by the more robust words in a private letter of Herndon. 'He was all honor — full of manly integrity . . . truly a noble man.' [6]

Judge S. C. Parks of Lincoln, Illinois, who practised for many years in some of the same courts with Lincoln, avers that he never saw so honest a man; and he adds that this was true of Lincoln as a politician as well as a lawyer.[7] Judge W. W.

[1] *Chicago Tribune*, Sept. 27, 1858. Lincoln 'was a marvel of fairness in debate both in the courts and in the political arena and he never desired to obtain an unfair advantage.' Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[2] Illinois Supreme Court *Memorial*, May 3, 1865; Hill, 315.

[3] T. R. King's statement, no date. Weik MSS.

[4] Gillespie to Herndon, Jan. 31, 1866. Weik MSS.
The case was Buckmaster for the use of Denham *vs.* Beems and Arthur in the Supreme Court. 'Another gentleman less fastidious took Mr. Lincoln's place and gained the case.'

[5] Ill. Supreme Court *Memorial*. Hill, 314.

[6] Herndon to Bartlett, July 8, 1887. MS. Mass. Hist. Socy.

[7] Parks to Herndon, March 25, 1866. Weik MSS.

Thomas, in whose Court Lincoln appeared in several counties, says that he was positively distinguished for his fairness and candor.[1] Judge Drummond of the United States District Court, declares that Lincoln 'never intentionally misrepresented the evidence of a witness or the argument of an opponent,' nor 'misstated the law, according to his own intelligent views of it.'[2] Whitney, who was associated with him in many cases, states that 'Lincoln's honesty was excellent stock-in-trade to him, and brought success and victory often.'[3]

To be sure, the uprightness of any reputable lawyer may be taken for granted, and, as a general thing, the introduction of character witnesses is unnecessary. But all who knew and worked with Lincoln place such emphasis on this quality, that particular note of it must be made in any attempt to portray his character. While not so dramatic as the melancholy which clung to him day and night like a black and evil spirit, his integrity was of such a peculiar nature that associates and observers, without exception, go out of their way to speak of it — speak strongly and at length. Quotations of the kind would fill a fair sized volume.

Judge Davis, who was as good a business man as he was a fine lawyer and a great Judge, sometimes left the bench for several days to attend to personal affairs, and he would ask some informed and trusted attorney to take his place on the bench.[4] Thus he would have Lincoln act as Judge during his absences. Whitney's first motion in Court as a very young lawyer was heard before Lincoln when acting as Judge in Davis's place.[5] Trials were frequently held before him; but he never would preside unless the lawyers for both sides requested him to do so.[6] Of course such substitution of a member of the bar for the elected Judge upon his mere request, was not legal, and reversals were secured on that ground in two cases thus heard by Lincoln.[7]

It is related that once when an argument to the jury was being made in a case tried before him, Lincoln left the bench, went

[1] Thomas to Herndon, Nov. 1, 1866. Weik MSS.
[2] Whitney, 257.
[3] *Ib.*, 263.
[4] *Ib.*, 63–4.
[5] *Ib.*, 31.
[6] Weldon in Hill: Hill, 188–9.
[7] Whitney, 263.

to the back of the court-room where he told funny stories to the auditors who promptly gathered about him. Sometimes Davis would get Lincoln to take his place for an hour, sometimes for a day and, at times, for an entire term.[1] He once held court for Davis at Urbana for a period of ten days. A case of much local importance was pending,[2] involving the payment of notes given by well-to-do citizens for the establishment of a newspaper, and transferred to innocent holders by the journalistic promoter who then fled the country. There was no defence, and the debtors employed the youngest attorneys to do the best they could; they tried to postpone the trial and succeeded up to the hour for final adjournment of court for that term, the plaintiff all the while pressing for judgment.

At last Lincoln said he would hear the case at 'candle light.' He did so, and, finding no defence wrote the order giving judgment: 'Ordered by the Court: Plea in abatement [filed that day] by . . . a defendant not served . . . be stricken from the files by order of Court. Demurrer to declaration, if ever there was one, overruled.[3] Defendants, who are served now, at 8 o'clock P.M. of the last day of the term, ask to plead to the merits, which is denied by the Court, on the ground that the offer comes too late, and therefore, as by *nil dicit*, judgment is rendered for plaintiff. Clerk assess damages.'

'How can we get this up to the Supreme Court?' asked Whitney.

'You all have been so smart about this case that you can find out for yourselves how to carry it up,' Lincoln retorted and adjourned court.[4]

Lincoln's honesty was so striking that those who came in contact with him were impressed by it in an unaccountable fashion — unaccountable because many other men were as honest as he. But the manifestation of that quality in Lincoln was so unlike the same characteristic in others, that everybody who knew him felt called upon to assert it particularly and with

[1] Whitney, 263. [2] Chaddon *vs.* Beasly *et al.*

[3] Whitney, who was one of the youthful attorneys, had said while Lincoln was writing the order of court, that a demurrer *had* been filed.

[4] Whitney, 263–4.

emphasis. And it should be said again that the esteem in which he was held for truthfulness and integrity was a priceless possession in that political career to which the remainder of this work will be devoted — a career without precedent or parallel in our history.

Only once was Lincoln's trustworthiness ever challenged, and he was quick and hot in his response. Robert Todd, the father of Mrs. Lincoln, died in 1849, and in 1853 his estate was finally settled. That part of the proceeds which went to his daughters in Springfield [1] was paid to their lawyer in Kentucky, George B. Kinkead. Todd had been a member of the firm of Oldham, Todd and Company, manufacturers of cotton goods. Before Kinkead paid Mrs. Lincoln her share of her father's estate, the remaining partners, Oldham and Hemingway, sued Lincoln in the Circuit Court of Fayette County, Kentucky, for nearly five hundred dollars, the amount, as they alleged, of claims that the firm had sent Lincoln for collection and which he had collected and kept.[2]

Lincoln was attending court at Danville, 'a hundred and thirty miles from home,' when his brother-in-law, Ninian W. Edwards, sent him a copy of a letter from Kinkead telling the Todd heirs at Springfield of this suit against Lincoln. Instantly Lincoln wrote the Kentucky lawyer: 'I find it difficult to suppress my indignation towards those who have got up this claim against me.' How was Hemingway 'induced to *swear* he *believed* the claim to be just!' Lincoln enclosed his answer and demanded that a bill of particulars be filed 'stating *names* and *residences*,' so that he could 'absolutely disprove the claim. . . . If they will name any living accessible man, as one of whom I have received their money, I will *by that man* disprove the charge. I know it is for *them* to prove their claim, rather than for *me* to disprove it; but I am unwilling to trust the oath of any man, who either *made* or prompted the oath to the Petition.' [3]

Oldham and Hemingway making no reply, Lincoln again wrote Kinkead. Still nothing was done and a third time Lincoln

[1] Mrs. Lincoln, Mrs. Wallace, Mrs. Edwards, and Mrs. Smith.

[2] *Litigant:* Townsend, 107, and more fully in *Abraham Lincoln, Defendant,* by the same writer.

[3] Lincoln to Kinkead, May 27, 1853. *Litigant:* Townsend, 108–9.

enquired of his Kentucky lawyer: 'This matter harasses my feelings a good deal;' won't Kinkead answer 'immediately.' Kinkead wrote Lincoln that his brother-in-law, Levi Todd, had said, and would so state in court, that Lincoln had told him that he owed the amount for which Robert Todd's partners had sued him — an assertion which astounded Lincoln. Finally the items were filed, Lincoln took depositions at Springfield, Shelbyville, and Beardstown, and disproved every claim made, and in 1854, Oldham and Hemingway had their complaint dismissed.[1]

Such was the single instance that has been discovered where Lincoln's integrity was so much as questioned in his quarter of a century at the bar, and such was his prompt and crushing defence of his reputation. While unblemished honor is a pre-eminent element of his character, undue effort has been made, perhaps, to extend his peculiar reputation over every incident of his life as a lawyer; and he is represented to us as a sort of heavenly agent of justice, succoring the unfortunate in earthly courts and scourging the unworthy. 'I was attorney for the Illinois Central Railway from Iroquois county to Effingham,' relates Whitney, 'and . . . in Davis's circuit I employed Lincoln when I needed aid; . . . and I never found any difficulty in Lincoln's appearing for a "great soulless corporation" (as was always urged against us) and making the best of the case — for they always were in tort, and were for alleged carelessness of our employes, therefore, always doubtful. In such cases he always stood manfully by me, and I always, of course, tried to win. He was not therefore a milk-sop, nor did he peer unnecessarily into a case in order to find some reason to act out of the usual line; but he had the same animus ordinarily as any lawyer, as a rule.' [2]

In short, Lincoln's treatment of clients and associate lawyers was like that of most high-minded and honorable attorneys. He sometimes refused employment in a case that he might have won, but the winning of which would have hurt innocent persons, just as thousands of other humane lawyers have rejected the proffer of like employment.[3] 'In a clear case of dishonesty,'

[1] Lincoln to Kinkead, Sept. 13, 1853. *Litigant:* Townsend, 110–2.

[2] Whitney, 261–2.

[3] The only basis for the touching story of Lincoln's rejecting a case which he could

says Whitney, Lincoln 'would hedge . . . so as to not, himself, partake of the dishonesty. In a doubtful case of dishonesty, he would give his client the benefit of the doubt, and in an ordinary case he would try the case . . . like any other lawyer.' [1]

Once or twice Lincoln withdrew from a trial when he found that his client had deceived him or that the case, though legally valid, was immoral — an experience not uncommon to scrupulous lawyers everywhere and in all times. But he was no knight-errant of the law seeking out the poor and distressed in order to lift up and relieve them, scorning the service of powerful and rich that he might be free to assail them. He accepted what came to him, provided it was not morally bad, and did his best for his client.[2]

He once brought suit for a client to collect an account. At the trial the defendant produced a receipt in full; Lincoln left the court room; the Judge called for him; he was found in the tavern washing his hands and refused to return. 'Tell the Judge that I can't come — *my hands are dirty and I came over to clean them.*' [3] From this incident that trial became locally famous as 'The Dirty Hands Case' and strengthened Lincoln's repute for honesty throughout Logan County.[4] In no other case, however, does it appear that Lincoln took such peremptory action. Generally speaking, he did not retire from a case when in the course of the trial he found himself in the wrong, did not desert associates, did not give up fees, did not try both sides in the interest of justice.[5]

For instance, a murder case in Champaign County [6] was celebrated, and the best available lawyers were employed to assist the prosecuting attorney. The accused, a saloon keeper, had rich relatives and friends, and Swett, Whitney, and Lincoln were retained to defend him. The trial was held before Judge Davis.

have won and unctuously lecturing the man who offered to employ him, is an unsigned, undated fragment without names, but in Herndon's handwriting. It is in the Weik collection. Yet this incident, thus casually and vaguely described, has become imbedded in the mass of untrustworthy Lincolniana. The original version, signed 'Lord' and of a date about 1866, is in Herndon, II, 345 *n.*

[1] Whitney, 263. [2] *Ib.*, 262–3.

[3] S. C. Parks to Herndon, March 25, 1866. Weik MSS.

[4] Stringer, 217. [5] Whitney, 262–3. [6] People *vs.* Patterson.

Lincoln became convinced that his client was guilty. Indeed, 'we all thought so,' says Whitney. Lincoln said to his principal colleague: 'The man was guilty. Swett you defend him. I can't.' [1] But he did not abandon the case. 'Lincoln made the closing speech,' declares Whitney, 'and I can to this day repeat almost verbatim a part of his speech.' [2] Patterson was convicted, and Lincoln accepted his share of one third of the fee.[3]

Lincoln appeared in cases of directly opposite characters, and strove as vigorously in one as the other. For instance at the trial of several women, indicted in Clinton County for having knocked in the head of a whisky barrel and spilled the contents, he was asked to say a word in their defence. Although not employed in the case, he did so; and it is recalled that he told the jury that the indictment should read 'The State *vs.* Mr. Whiskey instead of The State *vs.* The Ladies,' and inveighed dramatically against the evils of strong drink.[4]

On the other hand, Lincoln made an exhaustive argument in the Supreme Court in defence of a saloon keeper, one Patrick Sullivan, who had been indicted, convicted, and fined ten dollars in the Macon Circuit Court, for selling liquor without license. The case involved the construction of the liquor laws of 1845, 1851, and 1853. From the unanimous opinion of the Court, which decided every point against Lincoln's contentions, the case appears to have been uncommonly clear; but the abstract of Lincoln's argument in the report of the case indicates that he did his utmost to have the laws so construed that a person could not be fined for selling intoxicants without license.[5]

This case is the most curious and, seemingly, inexplicable, that Lincoln ever had. The amount involved was only ten dollars and the mere costs of appeal exceeded that sum. Lincoln appeared alone for Sullivan. The facts of record strongly indicate that the wholesale grocers of Springfield, the most pro-

[1] Judge Davis's statement, Sept. 19, 1866. Weik MSS. [2] Whitney, 130–2.

[3] Davis's statement, Sept. 19, 1866. Weik MSS.; Whitney, 262.

[4] Herndon, II, 343.

[5] Sullivan *vs.* The People: 15 Ill., 233–5. In the course of the opinion the Court says: 'It was the design [of the Legislature] not only to restore the authority to grant licenses, but the power to inflict punishments for retailing liquors without license. . . . A different view of the case would impeach the wisdom of the Legislature.'

fitable part of whose business was the sale of liquor to saloon keepers in Central Illinois, were back of the appeal by Sullivan to the Supreme Court. As we have seen, Jacob Bunn, Lincoln's client and personal friend, was one of these wholesale liquor dealers.

In trials in Circuit Courts Lincoln depended but little on precedents; he argued largely from first principles.[1] When speaking to juries he took great pains to make himself understood.[2] He spoke directly and exclusively to them.[3] His statements were very clear, very simple, his sentences short, compact, and distinct, his words plain and familiar. In brief, he spoke the language of the jurymen, the speech of the people.[4] And he centred attention upon the one crucial point in the case — he 'never let it escape the jury,' declares an associate who heard Lincoln try more than a hundred cases.[5] He took pains that the jury never should be confused, never required to have in mind too many points.

Lincoln was skilful in the questioning of witnesses and uncommonly clever in the difficult and dangerous art of cross-examination. He never made notes of testimony, but remembered every word of it.[6] He never asked an unnecessary question,[7] never brow-beat witnesses, never attempted to confuse or distract or alarm them. Instead he tried in a gentle and friendly fashion to assist the witness to tell the facts — provided he thought that the witness was honest and truthful. But if he believed that the witness was lying or trying to dodge his questions, or to impose on the jury in any way, he became severe and merciless.[8] Yet in the conduct of the most exciting case Lincoln never displayed emotion; perfectly calm, he appeared to be without either enthusiasm or apprehension.[9]

[1] This was true generally. 'Causes were tried on principle rather than precedent.' Judge R. M. Benjamin, in *Bloomington Pantagraph*, Feb. 23, 1909.

[2] 'If Mr. Lincoln studied any one thing more than another and for effect it was to make himself understood by all classes.' Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[3] Whitney, 260.

[4] Weldon: Rice, 203.

[5] E. M. Prince of Bloomington in Hill; Hill, 211–2.

[6] Whitney, 250.

[7] James S. Ewing to Hill: Hill, 222.

[8] Weldon in Hill: Hill, 222.

[9] Whitney, 253.

Most lawyers are stronger in the conduct of cases when they feel that they are in the right, and this was so conspicuously true of Lincoln that judges, lawyers, juries, and auditors particularly observed it. Some go so far as to say that he could not do well unless he felt that he was on the side of justice. Judge Davis states that Lincoln was 'great in court anywhere if he thought he was right.'[1] When he felt that a client was oppressed, his denunciation of the wrongdoer is described by hearers as 'terrible' and 'terrific.' He once scourged the slanderer of a woman school-teacher in Petersburg in such fashion that his philippic was remembered for a generation.[2]

Even a judge did not escape Lincoln's wrath whose rulings he thought unjust and personally prejudiced. Herndon wrote Weik two long pages in the attempt to describe Lincoln's castigation of the court for a vital decision on a point in the hard fought Quinn Harrison murder case. It 'was terrible, blasting, crushing, withering,' says Herndon. 'I shall never forget the scene. Lincoln had the crowd, the Jury, the Bar in perfect sympathy and accord.' Yet in the whirlwind of his anger, Lincoln kept 'just inside the walls of the law — did not do or say anything . . . that would be a contempt of Court.'[3]

This trial is cited as an example of Lincoln's influence over juries. 'Peachy' Harrison, as he was known, was the grandson of Peter Cartwright, Lincoln's opponent for Congress in 1846. In a fight at a country village the youth had fatally stabbed another young man, Greek Crafton. Harrison's father, a rich man, employed four lawyers, among them Lincoln, to defend his son. At a dramatic moment Lincoln put the aged Cartwright on the stand and drew from him a story of his visit to the dying youth. Crafton had told him, said Cartwright, that he forgave his assailant and prayed that Harrison would not be held responsible for his death. How Lincoln ever induced the court to admit such evidence does not appear; but, exclusively upon this pathetic recital, he made the appeal that cleared 'Peachy' Harrison.

[1] Judge Davis's statement, Sept. 19, 1866. Weik MSS. 'When he thought he was wrong he was the weakest lawyer I ever saw.' S. C. Parks to Herndon, March 25, 1866. Weik MSS.

[2] S. C. Parks to Herndon, March 25, 1866. Weik MSS.

[3] Herndon to Weik, Nov. 20, 1883. Weik MSS.

Lincoln pleaded with the jury to act in the magnanimous spirit of the deceased, and not to burden with woe the last days of the tottering, white-haired minister.[1]

Lincoln would turn cheap and insincere appeal to juries upon the lawyer who made them. When, with Whitney, he was defending a railroad company in a damage suit, the plaintiff's attorney said the usual things about the client's having a soul and the corporation none. As reported by Whitney, Lincoln replied thus: 'Counsel avers that his client has a *soul*. This is possible, of course; but from the way he has testified under oath in this case, to gain, or hope to gain, a few paltry dollars he would sell, nay, has already sold, his little soul very low. But our client is but a conventional name for thousands of widows and orphans whose husbands' and parents' hard earnings are represented by this defendant, and who possess souls which they would not swear away as the plaintiff has done for ten million times as much as is at stake here.' [2]

Ridicule was a favorite weapon of Lincoln, and in its use he was not delicate, but chose words and illustrations that appealed to the juries of that time and place. But he knew when to stop; for that gifted, natural actor never overdid his part, and by that means he often won a seemingly hopeless case.

Thus, throughout the fifties, went Lincoln over the circuit, thus he tried cases, thus he appeared in Springfield, strange, contradictory, inexplicable, engaging; and we shall now hear him as he defends 'Duff' Armstrong, witness his rough treatment by eminent lawyers, examine his celebrated suit for his biggest fee, behold him as the champion of Chicago and the great railway interests, and review his work as the most successful lawyer in Illinois before the Supreme Court of that State.

[1] Herndon to Weik, November 20, 1883. Weik MSS. Also Hill, 236–7. The case was tried in the Circuit Court of Sangamon County at Springfield, in 1859. J. B. White, John M. Palmer, N. M. Broadwell, and Isaac Cogdale were for the prosecution. Besides Lincoln for the defence, were Herndon, Logan, and Shelby M. Cullom, then just beginning to practice. The case aroused wide attention and was fully reported in the *Illinois State Journal*, Sept. 1, 2, 3, and 5, 1859.

[2] Whitney, 258–9.

CHAPTER V

LAST YEARS AT THE BAR

'Such has become the established integrity of Lincoln with us, that let a jury be empanelled from any part of our populous county, to try a cause, and they will take his exposition of the law and the facts of a case without a scruple.' Campaign correspondence from Danville, Ill., *Chicago Tribune*, Sept. 27, 1858.

MANY lawyers and judges in Illinois became rich men during the period before the Civil War; but their wealth was not acquired by practising law or administering justice. It was obtained, chiefly, through wise and far-seeing investments,[1] for professional earnings were moderate.

Fees of lawyers and doctors were on a scale with wages, salaries, prices, and the cost of living. From 1850 to 1860 laborers were paid from seventy-five cents to a dollar and five cents for a day of eleven or twelve hours.[2] The price of land throughout the decade varied from a dollar and twenty-five cents — or even lower — for virgin tracts to five dollars an acre for improved farms.[3] Charges at country taverns were trifling. E. M. Prince relates that for supper, lodging, and breakfast for Lincoln and himself, as well as the feed and stabling of two horses, the entire bill was seventy-five cents.[4] Twenty dollars for a suit of ready-made clothing was considered high. Once, when holding court for Davis, Lincoln decided that twenty-eight dollars was excessive for a suit bought on credit by the son of a prosperous farmer. 'I have very rarely in my life worn a suit of clothes costing $28,' he declared from the bench.[5]

[1] Thus Justice Caton, Judge Davis, and several lawyers like Stephen T. Logan, became wealthy men.

[2] *Era of the Civil War:* Arthur Charles Cole, 202.

[3] A little earlier, improved farm land in Central Illinois sold for five dollars per acre. *Personal Recollections of John M. Palmer*, 38–9.

[4] Statement of E. M. Prince, no date. Weik MSS.

[5] Swett to Herndon, Jan. 15, 1866. Weik MSS.

The case was heard by Lincoln at Clinton, DeWitt County. A merchant sold the clothes to the minor son of a 'fair farmer who owned a good farm.' The father had not authorized the purchase, refused to pay, and the merchant sued him. Swett says that 'the question was whether they were necessaries and suited to his condition in life. . . . I happened in court, just as Lincoln was giving his decision.'

Attorney fees ranged from fifty cents to a thousand dollars; and, as we shall see, Lincoln once received five times the larger sum, and in three other cases scarcely smaller amounts. He tried as hard as any other lawyer to get employment. He 'always displayed a commendable zeal and alacrity to obtain business,' testifies his faithful champion, Gillespie.[1] But he did not invest his earnings, as other alert lawyers about him did. He said that he did not know how to do it, and had no taste for speculation. He merely saved his fees and held what he got. Whitney states that Lincoln had 'no method, system or order in his . . . affairs; . . . had no commonplace book, . . . no diary.'[2] When in 1850 and 1855 Congress granted 'bounty lands' to soldiers in all our wars,[3] Lincoln belatedly took out warrants for two parcels of land which he located in Iowa; and he kept that farm as long as he lived.[4] But, with the exception of his lot in Springfield and a lot in Lincoln, the county seat of Logan County, the Iowa farm is the only real estate he ever owned.[5]

[1] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[2] Herndon, II, 346. Gillespie to Herndon, Jan. 31, 1866. Weik MSS. 'He was not a good business man, as the world understands that term.' Whitney, 110, 118.

[3] An attorney of Quincy, Ill., E. S. Greene, advertised that honorably discharged soldiers 'in *any* war' were, each, entitled to one hundred and sixty acres. *Quincy Whig*, March 17, 1855.

[4] Lincoln's land warrant under the Act of 1850, was No. 52076 for forty acres, issued April 16, 1852. The land was located July 21, 1854, by Lincoln's attorney John P. Davies, at Dubuque, Iowa, on the N.W. Quarter of S.W. Quarter of Sec. 20, Township 84 N. of Range 15 West. The patent to this tract, signed by Franklin Pierce, was issued to Lincoln, June 1, 1855.

The warrant under the Act of 1855 was No. 68645 for one hundred and twenty acres issued April 22, 1856, and located by Lincoln himself at Springfield, Dec. 27, 1859, on the E. half of the N.E. quarter and N.W. quarter of N.E. quarter of Sec. 18, Township 84 N. of Range 39 W. The patents to these tracts, signed by James Buchanan, were issued to Lincoln Sept. 10, 1860, in the midst of his campaign for the Presidency, and they were sent to the Register of the Land Office at Springfield for delivery to Lincoln Oct. 30, a week before his election. Records Gen. Land Office, Interior Dept., Washington.

Lincoln owned this Iowa land when he was assassinated; it descended to his heirs, and on March 22, 1892, was sold by Robert T. Lincoln, the only surviving heir, for $13,000, to Henry Edwards. Records Recorder's Office, Crawford County, Iowa.

[5] The lot in Lincoln came to him by accident. It was owned by James Primm, the most prominent citizen of Logan County. By overspeculation in lands Primm had become heavily indebted and, in 1857, he went to New York to raise money. Lincoln, who was also in New York at the time, endorsed Primm's note for four hundred dollars. When it fell due the maker could not pay and Lincoln took up the note. In turn, Primm on March 11, 1858, deeded the lot to his endorser, who kept it as long as he lived. Stringer, 221–2. The lot was No. 3, Block 19.

Exhaustive pains have been taken to exhume every possible instance of low charges made by him, his refusal of fees, his rendering of gratuitous services. The first fee he ever earned on the circuit, he refused, we are told, and when pressed to accept it, he gave it to his father.[1] 'You must think I am a high-priced man,' Lincoln wrote a client for whom he had secured a lease, and who had sent him a fee of twenty-five dollars. 'You are too liberal with your money. Fifteen dollars is enough for the job. I . . . return to you a ten dollar bill.' [2] He charged but two hundred dollars for winning a case involving a disputed title to a farm, when the opposing lawyer, who had lost, charged three hundred dollars, thinking that sum very small.[3] 'Don't you think I have honestly earned twenty-five dollars?' asked Lincoln of opposing counsel, after securing a verdict of six hundred dollars in a slander suit — four hundred dollars of which his client remitted on Lincoln's advice, the defendant to pay his fee. The trial, which was hotly contested, had lasted for two days, and the defeated lawyer thought that a hundred dollars was the smallest fee that Lincoln ought to charge, especially since his client had to pay it.[4]

Consideration of all trustworthy data, however, shows that Lincoln's fees were normal, except that his meticulous honesty would not permit him to overcharge. But his fees were by no means trifling. Even when in partnership with Stuart, that firm charged one fee of five hundred dollars and took notes for it, secured by mortgage on the client's farm.[5] He was as prompt and keen as anyone in collecting what he had earned. 'We *win* our . . . case,' he wrote to a client; 'as the Dutch justice said when he

[1] Statement of George B. Balch of Janesville, Ill., no date. Weik MSS.

[2] Lincoln to Geo. P. Floyd, Feb. 21, 1856. *Litigant:* Townsend, 4–5.

[3] John W. Bunn, quoted in Weik, 164–5.

[4] Dungey *vs.* Spencer. DeWitt Circuit Court, Clinton, 1855. Judge Weldon, quoted in Weik, 162–3.

This case is described as an example of Lincoln's cleverness in jury trials. Dungey was a swarthy, almost black, Portuguese and Spencer had said of him: 'Black Bill, is a negro and it will be easily proved if called for.'

One of Spencer's attorneys was C. H. Moore. In Lincoln's speech to the jury, Lincoln is reported to have exclaimed: 'My client is not a Negro. His skin may not be as white as ours, but I say he is not a Negro, though he may be a Moor.'

[5] Stringer, 213.

married folks, "Now vere ish my hundred tollars."' [1] Moreover Lincoln and his partners sued clients for fees just as other lawyers sued their clients.[2] Yet Herndon assures us that Lincoln was indifferent to the firm's finances, 'usually leaving all such to me.' After his return from Congress, he never made an entry in the account book of the partnership; and when a fee was paid to him, he divided it with Herndon.[3]

Most fees were from ten to fifty dollars; nor did the nature of the general run of cases and the work required in the conduct of them deserve larger compensation.[4] Clients usually gave notes for fees, and these were easily sold at a moderate discount by the lawyers to merchants or tavern keepers in the county seat.[5] Such fee notes constituted a kind of medium of exchange, a sort of 'legal tender,' as Dennis Hanks said of coonskins and venison hams in Indiana during Lincoln's boyhood and youth. In this wise, enterprising lawyers often gathered considerable earnings.

[1] Lincoln to Andrew McCallen, July 4, 1851. *Litigant:* Townsend, 6.

[2] Lincoln *vs.* Spencer and William Turner, DeWitt Circuit Court, Clinton, 1841, on fee note. *Ib.*, 7–8.

Logan & Lincoln *vs.* James D. Smith, Executor, will of William Trailor, deceased, for $100, for defending Trailor against an indictment for murder. Sangamon Circuit Court, Springfield, July term, 1845. *Ib.*, 8.

Same *vs.* John Atchison, same court, July 29, 1845, for fee of $200; verdict for $100. *Ib.*, 19.

Lincoln & Herndon *vs.* John B. Moffett, same Court, March term 1850 for $150 fee; judgment for $75 and costs. *Ib.*, 20.

Lincoln *vs.* Samuel Brown, Justice of the Peace Court, for fee for defending Brown against an indictment for shooting. *Ib.*, 20–1.

Lincoln *vs.* Samuel Sidner, Sangamon Circuit Court, Aug., 1854, on fee note and foreclosure. Judgment, Nov. 21, 1854, for $594.80. Lincoln bought property at foreclosure sale, Feb. 5, 1855. *Ib.*, 21.

[3] Herndon, II, 333.

[4] 'It is strange to contemplate that in these comparatively recent, but primitive days, Mr. Lincoln's whole attention should have been engrossed in petty controversies or acrimonious disputes between neighbors about trifles; that he should have puzzled his great mind in attempting to decipher who was the owner of a litter of pigs, or which party was to blame for the loss of a flock of sheep, by foot-rot; or whether some irascible spirit was justified in charging that his enemy had committed perjury; yet I have known him to give as earnest attention to such matters, as, later, he gave to affairs of State.' Whitney, 41.

A collection of cases on the circuit and in Justices of the Peace Courts which are above the trivial may be found in Weik, 146–75. In their books, Hill and John T. Richards, *Abraham Lincoln: The Lawyer Statesman*, also make mention of several cases in the trial courts. All cases to which Lincoln was a party are set out in Mr. Townsend's two books, *Lincoln Defendant*, and *Lincoln the Litigant*.

[5] Judge Caton says that, as a rule, a fee was a little cash and notes for the balance.

Chief Justice Caton relates that, at a single session of one court, when a very young lawyer, he accumulated a hundred and fifty dollars in 'good notes' and as much more in cash.[1] The notes of successful farmers or of others with substantial amounts of property had a steadier value than the bank paper in circulation.[2] So variable and untrustworthy was such currency that a little pamphlet, called a *Counterfeit Detector*, was indispensable to those who handled such money in even moderate quantities.[3]

Of the instances of Lincoln's championship of the needy without compensation, the most dramatic is the Wright case. A pension agent by the name of Wright had charged the widow of a Revolutionary soldier half her pension of four hundred dollars for getting her claim allowed. The old woman, 'crippled and bent with age,' went to Lincoln and Herndon with the story of her wrongs. Lincoln demanded of the agent the return of the money; he refused and Lincoln and Herndon sued him to compel a refund. At the trial the only witness Lincoln introduced was the widow who, weeping, told what Wright had done. In his speech to the jury Lincoln explained the causes of the Revolution, recounted the horrors of Valley Forge, extolled the suffering and heroism of the patriot soldiers, and then launched

Sometimes a horse or colt was brought in to be given as a fee and the lawyer led the animal home or sold it in the village. Where the title of land was in litigation the lawyer might make a contract with the client for half the land. Caton, 52, 80.

[1] Caton, 77.

[2] Very little metallic money was in circulation in Illinois during the 50's. The coinage was gold twenty-dollar, ten-dollar, and five-dollar pieces; silver one-dollar, fifty, twenty-five, and five-cent pieces; copper one and two-cent pieces. Two Mexican coins also circulated, the 'picayune,' or Spanish half-real of six and a quarter cents, and the 'bit,' or real of twelve and a half cents. Twenty-five cents was called '2 bits' and fifty cents '4 bits.' Johnson, 61–3.

In 1849 Speed directed Herndon to remit a collection either by 'Kentucky money' or drafts on New York, Philadelphia, Baltimore, or Boston. Speed to Herndon ('Dear Bill'), July 24, 1849. Weik MSS.

[3] Counterfeiting was general throughout the decade. *Illinois State Register*, Nov. 21, 1850; *Ottawa Weekly Republican*, Jan. 23, 1858. Three dollar bills were altered to five dollar bills. *Quincy Whig*, April 24, 1854. The two dollar bills of the Grayville Bank were changed to ten dollars. *Alton Daily Courier*, March 26, 1859. Bogus half dollars were widely circulated. *Illinois State Journal*, Nov. 9, 1855. In 1855 counterfeiting became such a menace and a burden that the business men of Chicago held meetings to discuss means of avoiding it. *Chicago Daily Democrat*, Jan. 9, 1855. 'Wild Cat' currency was the commercial bane of the times. *Rockford Forum*, Dec. 15, 1852; *Illinois Journal*, Dec. 15, 1852; *Illinois State Register*, Dec. 23, 1852, and Jan. 6, 1853.

into a philippic against the robbers of their widows of whom Wright was a revolting example. Judge Davis says that Lincoln was 'merciless in his castigation,' and Herndon adds that 'I never, either on the stump or on other occasions in court, saw him so wrought up.'

He had made careful preparation for his appeal to the jury: 'No contract. Not professional services. Unreasonable charge. Money retained by Def't not given by Pl'ff. Revolutionary War. Describe Valley Forge privations. Ice — Soldier's bleeding feet. Pl'ff's husband. Soldier leaving home for army. *Skin Def't.* Close' — so run Lincoln's notes for his speech. His partner reproduces his peroration — the parting at the cabin home when the young soldier left for the army, the fond farewell to the lonely wife, the kissing of the baby in its cradle and other touching incidents of the patriot's departure. 'Time rolls by; the heroes of '76 have passed away and are encamped on the other shore. The soldier has gone to rest, and now, crippled, blinded, and broken, his widow comes to you and to me, gentlemen of the jury, to right her wrongs. She was not always thus. She was once a beautiful young woman. Her step was as elastic, her face as fair, her voice as sweet as any that rang in the mountains of old Virginia. But now she is poor and defenceless. Out here on the prairies of Illinois, many hundreds of miles away from the scenes of her childhood, she appeals to us, who enjoy the privileges achieved for us by the patriots of the Revolution, for our sympathetic aid and manly protection. All I ask is, shall we befriend her?'

Of course the jury, half of whom were 'in tears,' would befriend her, and they promptly returned a verdict against Wright who cowered in his chair 'writhing' under Lincoln's terrible invective. Lincoln paid his client's hotel bill and her fare home, and, when the judgment was collected, sent the aged woman all of it and charged her nothing for his services.[1]

On the other hand, Linder recalls that Lincoln, with other Springfield lawyers, defended a woman and her paramour who were indicted for poisoning her husband.[2]

Another engaging example of services rendered by Lincoln

[1] Herndon, II, 340–2. [2] Logan, Stuart, and Edwards. Linder, 184–5.

without pay is his refusal to charge anything for saving the farm of a young woman, one Rebecca Daimwood. She inherited the land from an uncle, Christopher Robinson, the administrator of whose estate was a man of the name of John Lane. It would appear that the girl had made her home with Lane who had occupied the farm. Miss Daimwood married a young farmer, William M. Dorman, and claimed the land. Thereupon Lane petitioned the Court at Shawneetown for the sale of the property to satisfy his claim of a little more than a thousand dollars against Robinson's estate, which claim had been allowed him by the Court some fifteen years earlier.

The young married couple resisted Lane's petition, but were beaten in the trial court. Their attorney, Samuel D. Marshall, took an appeal to the Supreme Court and retained Lincoln to conduct the case in that tribunal. Lane was represented by Lyman Trumbull. Argument on both sides was thorough and Lincoln supported his points by the citation of many authorities. The Court in a long opinion sustained Lincoln's principal contentions and reversed the decree of the trial court. It is interesting to find that that opinion was delivered by Justice James Shields, Lincoln's duelling antagonist of a year or two before he argued this case. When asked for the amount of his fee, Lincoln said that his services were his wedding present to Rebecca and William.[1]

More affecting is the story told by Lamon of the Scott case in which he was associated with Lincoln. Scott had a 'demented' sister who owned property valued at ten thousand

[1] Dorman *et ux. vs.* Lane; 6 Ill. 143–52. In the course of his opinion Justice Shields says that 'although no personal property of the deceased [Robinson] ever came to his [Lane's] hands, possession or knowledge, yet he suffered fifteen years to elapse before making any application for the sale of the real estate for the payment of his debt. It would be extremely hazardous for this Court to sanction such gross negligence, and particularly in a case where the same person was both administrator and creditor.'

An account of this litigation was given Herndon by F. M. Eddy of Shawneetown, which cannot be reconciled with the statement of the case by the Supreme Court. According to Eddy, Lane was the guardian of Rebecca Daimwood, an orphan, and sold her land upon false pretext that the proceeds were needed for her maintenance; she sued Lane for the recovery of the farm, married Dorman who thus became a party to the suit, won in trial court and Lane appealed to the Supreme Court. Eddy says that young Dorman was so grateful that, although a Democrat, he ever after voted for Lincoln. In this form the story sometimes appears in Lincolniana. F. M. Eddy to Herndon, March 21, 1888. Weik MSS.

dollars, and the Court appointed a 'conservator' to care for this estate. A 'designing adventurer' sought to marry her for her money, and through attorneys assuming to represent the girl moved to have the custodian of her property discharged. Scott placed the case in the hands of Lamon who was the local member of the firm of Lincoln and Lamon at Danville, agreeing to pay two hundred and fifty dollars if the motion were defeated. Lincoln won 'inside of twenty minutes,' and Scott paid Lamon the stipulated fee.

'What did you charge that man?' Lincoln asked his youthful business-getting partner. When Lamon told him the amount of their fee Lincoln sternly rebuked the young lawyer.

'Lamon, that is all wrong. The service was not worth that sum. Give him back at least half of it.' To Lamon's protestation that the fee was 'fixed in advance' and that Scott was satisfied, Lincoln exclaimed, 'with a look of distress and of undisguised displeasure:

'"That may be, but *I* am not satisfied. This is positively wrong. Go, call him back and return half the money at least, or I will not receive one cent of it as my share."'

The disgusted Lamon did so; the client was 'astonished,' but took the money; Judge Davis and the lawyers present were annoyed and resentful. Davis called Lincoln to the bench and, in a rasping whisper which could be heard all over the court room thus chided his favorite at the bar:

'Lincoln, I have been watching you and Lamon. You are impoverishing this bar by your picayune charges of fees, and the lawyers have reason to complain of you. You are now almost as poor as Lazarus, and if you don't make people pay you more for your services you will die as poor as Job's turkey.' O. L. Davis, 'the leading lawyer in that part of the State,' as Lamon describes him, joined in the Judge's rebuke but 'Mr. Lincoln was immovable.'

'That money comes out of the pocket of a poor, demented girl,' he declared sympathetically, 'and I would rather starve than swindle her in this manner.'

That night in Judge Davis's room, Lincoln was tried before the 'orgmathorial court,' found guilty and fined for his 'awful

crime against the pockets of his brethren at the bar. The fine he paid with great good humor, and then kept the crowd of lawyers in uproarious laughter until after midnight.' But he would not relent. Never, he asserted, should his firm deserve the popular title of 'Catch 'em and Cheat 'em.' [1]

Although neither Davis, Whitney, Swett, Herndon, nor anyone else makes mention of this vivid example of Lincoln's generosity, it is not disputed, and it is quite as well authenticated and trustworthy as any of the similar tales about Lincoln's reduction or relinquishment of fees. That there was some basis for each of them is more than likely, and that all of them, taken together, do reflect a general truth as to Lincoln's attitude is certain. But, like so many accounts of this and that action or saying of Lincoln, these stories are mostly second-hand hearsay, searched for, discovered, and set down on paper from fifteen to forty years after the incident thus related and recorded.

In one notable case, however, Lincoln gave his services freely and with his whole heart. In the trial of that case, too, he exerted himself to the limit of his powers. Because of the nature of the case, of the persons concerned in the outcome of it, and of a dramatic circumstance during the trial, Lincoln's defence of 'Duff' Armstrong has become famous. So much has been written about it that a brief statement of the facts must be given.[2] The same is true of the other three important cases in which Lincoln appeared. As each of these legal engagements has been so extensively discussed and such clouds of speculation have gathered about them, a fairly comprehensive review cannot be avoided.

[1] *Recollections:* Lamon, 17–9. This book was written in 1911, in a final effort to counteract the effect of the attacks on Lamon's ill-starred Life of Lincoln. Its statements are to be received with caution.

[2] The review of this case in the text is from the following sources and authorities:

a. Original papers in People *vs.* Armstrong. Office Clerk Circuit Court Cass County, Beardstown, Ill. This file includes indictment, subpœnas, warrants, verdict of jury, instructions to jury, etc., etc. All personally examined by author and photostats of many in his possession.

b. Letters of J. Henry Shaw to Herndon, Sept. 5 and Aug. 22, 1866. Weik MSS. Shaw was the leading lawyer of Cass County and was employed to assist Hugh Fullerton, States Attorney, in the prosecution of Armstrong. Among other items of first-hand information, Shaw's letters contain the statement to him of Milton Logan who was foreman of the jury, etc.

c. Letters of William Walker to Herndon, June 3, Aug. 27, and Sept. 17, 1866.

In the latter part of August, 1857, a camp-meeting was held in Mason County, Illinois. On Saturday, the twenty-ninth of that month, a fight or series of fights took place near a sutler's wagon about half a mile from the camp-meeting. The wagon supplied whisky to the rough men and youths who always gathered near camp-meetings to drink, race horses, and disturb the religious gatherings. On this occasion the rowdies quarrelled among themselves and fights resulted. James H. Norris and William D. Armstrong, popularly called 'Duff,' had such an affray with a very drunken farmer by the name of James Preston Metzker, who after the fight mounted his horse with difficulty and rode to his home near Mason City. On the way he fell from his horse two or three times. Three days later he died.

At the October term of the Mason Circuit Court, Norris and Armstrong were indicted for the murder of Metzker. The indictment charged that Norris struck Metzker on the back of the head with a piece of wood three feet long, that Armstrong hit him in the right eye with a slung-shot, and that on September 1 Metzker died of the wounds thus inflicted. Norris was

Weik MSS. Walker was Armstrong's attorney in Mason County and was assisted by Lincoln in the trial at Beardstown.

d. Statement of Judge James Harriott, no date. Weik MSS. Harriott was the Judge who presided at the trials of Norris in Mason County and Armstrong in Cass County.

e. Statement of Hannah Armstrong, mother of 'Duff,' no date. Weik MSS. This statement is chiefly about Lincoln in New Salem.

f. Address of Abram Bergen before the Kansas State Bar Association. Mr. Bergen was present during the entire trial.

g. Affidavit of John Armstrong, only living brother of Duff, as to what occurred at the trial.

h Affidavit of George T. Saunders of Beardstown, Ill., Aug. 15, 1925. Mr. Saunders was thirteen years old at the time of the trial.

I am indebted for these affidavits to Mr. Allen T. Lucas of Chandlerville, Ill., who went to much trouble to secure for me the sworn statements of Armstrong and Saunders. Mr. Lucas also procured an order of the Circuit Court of Cass County by which the original papers in the case were placed in my keeping for thirty days.

i. 'Lincoln's Defense of Duff Armstrong' by J. N. Gridley in the *Journal Ill. State Hist. Socy*, III, 24–44. Gridley's article contains among other things the statement of John T. Brady, one of the jurors.

The letters of Shaw and Walker, the statement of Judge Harriott and the address of Mr. Bergen are, when taken together, and in connection with the court records, well-nigh complete and conclusive.

The account in the text is from so many and so scattered statements in these sources, that separate citation of each is impracticable.

immediately tried in Mason County, convicted of manslaughter, and sentenced to the penitentiary for eight years. A change of venue was secured for Armstrong upon the ground of public prejudice against him, and Judge James Harriott transferred the case to Cass County in the same circuit.

At the November term of the Cass Circuit Court at Beardstown, the county seat, application for bail was made. At this point Lincoln appears in the case. The accused man, then twenty-four years of age, was the son of Lincoln's old comrade of New Salem days, Jack Armstrong, the leader of the Clary Grove Boys, and his wife Hannah, who during those years had befriended Lincoln. He had often rocked the cradle of the baby, who, grown to manhood, was now indicted and in jail for murder.

The mother says that she wrote to Lincoln. On receiving his answer, she went to Springfield to beg him to defend her son and Lincoln agreed to do so. In such a fashion came his famous defence of 'Duff' Armstrong.[1]

The State's Attorney for the district was Hugh Fullerton, and J. Henry Shaw of Beardstown, then the leading lawyer of Cass County, was employed to assist in the prosecution. Shaw's account discloses a cross-play of litigation, revealing two of Lincoln's characteristics, honesty and secretiveness. The Beardstown lawyer wrote to Lincoln to assist him in the defence of an important divorce case[2] at the November term of the Cass County Circuit Court. The case was tried, Shaw and Lincoln were beaten, the divorce granted and the custody of the child given to the mother; but the question of alimony went over to the May term of the court. Lincoln, who had said nothing about the Armstrong case, then moved that Duff Armstrong be admitted to bail and argued 'hotly' for his motion, which

[1] Mrs. Armstrong's statement, no date. Weik MSS. Hobson prints what purports to be a letter of Lincoln to Mrs. Armstrong, dated Springfield, 'Ohio,' Sept. 18, offering his services because of favors he had received from her and her husband, Jack Armstrong.

The original of this letter has not been found and, in face of the positive statement of the mother, its authenticity is doubtful, to say the very least. In his careful account of the Armstrong trial, J. N. Gridley says that her friends advised Mrs. Armstrong to get Lincoln's services and that she drove to Springfield for that purpose.

[2] Ruth A. Gill *vs.* Jonathan Gill. Shaw to Herndon, Sept. 5, 1866.

Judge Harriott promptly overruled.[1] Thus for the first time, Shaw learned that Lincoln was so much as interested in the murder case.

When Lincoln came to Beardstown at the next term of court, Shaw supposed he was there to argue the matter of alimony in the divorce case. Again he said nothing of Armstrong who was to be tried almost immediately. But he did speak about another suit brought by Shaw for specific performance, in which Lincoln represented the defendants.[2] Shaw showed his proofs to Lincoln who declared that Shaw's client 'was justly entitled to a decree, and he should so represent it to the court, that it was against his principle to contest a clear matter of right. So My client got a deed for a farm,' relates Shaw, 'which, had another Lawyer been in Mr. Lincoln's place, would have been in litigation for years, with a big pile of costs and the result probably the same.'

Still thinking that Lincoln had come to Beardstown 'more particularly to attend to the Gill and Moore cases,' Shaw was amazed at the 'immense interest he took in the Armstrong Case. He went into it like a Giant,' declares the assistant of the prosecuting attorney.

That now celebrated trial has been minutely described by several persons who took part in it or were present and their accounts do not vary greatly in the main features. Perhaps Mr. Bergen's narrative is the most trustworthy since it was the first trial he attended after his admission to the bar. He 'was seated . . . not more than four feet' from the attorneys who tried the case, 'and noticed everything with the deepest interest and most watchful scrutiny.'

The day was hot and sultry; but, says Judge Harriott, 'there was no excitement. . . . It was a common trial.'[3] Walker had

[1] Shaw makes this statement specifically. No formal motion for bail was entered of record, however (Records Cass County Circuit Court); and the tradition in the Armstrong family is that no application for bail was ever made. Allen T. Lucas of Chandlerville, Ill., to author, Aug. 15, 1925. The probability is that the entire proceeding was oral, as often was the case in such matters at that time, and that Lincoln, finding Judge Harriott determined not to grant bail, did not file a written motion.

[2] George Moore *vs.* Christina Moore and the heirs of Peter Moore. Lincoln's client lived near Springfield. Shaw to Herndon, Sept. 5, 1866.

[3] In his account of the trial Judge Harriott angrily denounces an emotional magazine

brought with him full notes which he had made of the testimony given in the trial of Norris in Mason County, and, since the evidence against Armstrong was substantially the same, Lincoln carefully studied the notes and thus learned what the witnesses would say. Walker conducted the examination for the defence, Lincoln prompting him now and then from the testimony given at the trial of Norris. Sometimes he, himself, asked questions, and young Bergen was astonished at the knowledge of anatomy which Lincoln displayed.

But most of the time, Lincoln sat motionless, staring at the wall as though unconscious of his surroundings. The State proved the attack on Metzker as charged in the indictment; and it was established that Metzker's skull was fractured in two places, the back near the base of the brain and the front near the corner of the right eye; and that either fracture was fatal, although the latter was the worse. But the chief witness for the prosecution, Charles Allen, overstated in detail, or perhaps was caught in a trap set for him by Lincoln. Allen was a friend of 'Duff' Armstrong and the Armstrong family, did not want to testify, and was at a tavern in the town of Virginia, thirteen miles from Beardstown, when the time of the trial arrived. A summons for him was issued by the State and the Sheriff served it; but he refused to attend. Thereupon a warrant was issued directing the Sheriff to seize the reluctant witness and bring him into court. The officer arrested Allen and brought him before the Judge. In such fashion the chief witness against Armstrong finally was placed upon the stand. It was largely upon Allen's testimony that Norris had been convicted in Mason County, and he told substantially the same story at the trial of Armstrong.[1]

Allen testified so clearly and frankly that the jury believed him. Judge Harriott asserts that Lincoln also believed him. He swore that he saw Norris hit Metzker on the back of the head with something that looked like a neck-yoke, and Armstrong

article that had been printed on the Armstrong case: 'The article from beginning to end is a humbug.' Harriott's statement, no date.

[1] J. N. Gridley says that Lincoln sent for Allen to prevent a continuance of the case and another long period in jail for Armstrong.

strike him in the right eye with what appeared to be a slung-shot. Casually and with seeming unconcern Lincoln asked as to the time of the attack, how far away Allen was standing, and how much light there was. The witness answered promptly that he was fifteen or twenty yards distant, that the hour was eleven o'clock at night, that the moon was shining brightly and was about as high as the sun would be at ten o'clock.[1] Curiously enough, Allen had not been asked at the trial of Norris about the position of the moon, nor had he been an unwilling witness for the State as he now was in the trial of Armstrong.

Thereupon Lincoln produced an *Almanac* for 1857, which showed that, at the hour of the murder, the moon was not in the position named by Allen, but, instead, was low in the western sky — in fact within an hour of setting. The jury broke into laughter. That 'Almanac *floored* the witness,' several jurymen told Shaw long afterward. The almanac was examined by Judge Harriott, by the attorneys for the prosecution and by the jury, and Allen's testimony was thus seriously impaired. Lincoln had brought the almanac with him from Springfield, testifies Bergen, who saw him take it 'from his capacious hat,' during a recess of the court, and give it to the Sheriff, 'with the request that he would hand it to him when he called for it.' Bergen further states that Lincoln said to Judge Harriott that, although he supposed the Court would take judicial notice of an almanac, nevertheless he would introduce it in evidence.

Since he had brought the almanac with him, it would appear that Lincoln knew that Allen would give a wrong answer as to the place of the moon in the heavens at the time of the fight. Even if he sent for an almanac when Allen stated the position of the moon, the same inference may be made; but it is more probable that he learned the fact for the first time when Allen so testified. In the event he was prepared to impair Allen's whole testimony by means of the almanac. As Walker, his associate in the trial, declares, Lincoln casually pointed out to

[1] The narratives differ somewhat as to Allen's testimony on this vital point. John T. Brady, a juror, says that he swore that the moon was where the sun would be at one o'clock, while Walker and Shaw state the testimony as given in the text. Some assert that Allen testified to ten o'clock as the hour of the altercation and others that he named eleven o'clock.

the jury that if this witness was so badly mistaken on so conspicuous a fact as the position of the moon, he might be in error on other matters.

Quite as important to the defence and as damaging to the prosecution as the disparagement of Allen, was the testimony of Nelson or William Watkins. The State had produced the slung-shot, had adduced evidence that it belonged to Duff Armstrong, and that it was the same weapon with which he had struck Metzker. But the weapon had been found a long way from the scene of the murder, and Watkins swore that he was the owner of the slung-shot. He described it minutely and stated that he had made it himself; and that, the day after the fight, he had thrown it away 'at the particular place' where it was found. Lincoln made a great deal of this in his speech to the jury, cutting open the slung-shot and thus showing that it was made as Watkins had sworn it was made. Lincoln told the Armstrongs after the trial was over that Watkins' testimony was as helpful as the refutation of Allen's statement about the moon.

The defence also proved that Metzker had fallen from his horse once or twice on his way home, and struck his head on the ground. A physician and surgeon, Charles E. Parker, was then put upon the stand; [1] and, by the aid of a skull, he showed the jury that such a fall and blow on the back of the head, or the stroke by Norris, might easily have caused the fracture near the right eye from which Metzker died. Judge Harriott maintains that Dr. Parker's testimony was the strongest feature in the defence. On the other hand, the physician who was brought into court to testify for the State, Dr. B. F. Stevenson, was plainly a reluctant witness; for, like Allen, he ignored two summonses for him, and the Sheriff was ordered to take him on the same warrant issued for the arrest of Allen. Several character witnesses testified to Duff Armstrong's good reputation.[2]

Such was the evidence upon which Lincoln went to the jury. But it was not the almanac, nor Watkins' dramatic statement,

[1] Dr. Parker was summoned to appear 'instanter.' Records Cass County Circuit Court.

[2] The prosecution produced fifteen and the defence twenty-two witnesses. Two subpœnas were issued served on Allen and Stevenson, before the order of their arrest was given.

nor Dr. Parker's demonstration, nor any item of testimony for the defence, which was decisive of the case. The verdict was secured by Lincoln's speech to the twelve friends who held Duff Armstrong's fate in their hands. Walker attached so little importance to the almanac that he makes no mention of it in his first careful and detailed account of the trial which he wrote to Herndon, and not until Herndon asked him specifically about the almanac, did he recall it. He is not even certain that Lincoln laid particular emphasis upon the matter: 'Mr. L. in his Speach may have alluded to the absence of a moon' to show that, since 'the witness was mistaken in regard to one thing, the Jury Should receive all his testimony with caution.'

Judge Harriott was not impressed by the incident of the almanac, but was particularly attracted by Lincoln's plan of defence and by the testimony of a doctor in support of it. 'Lincoln's Theory was that the neck yoke killed Metz[ker] and that it cracked the Skull in front — where Armstrong is supposed to have struck. The Almanac may have cut a figure, but it was Doct. Parker's testimony confirming Lincoln's Theory,' that shook the prosecution.

Shaw, who writes with intelligence and precision, is emphatic that 'Armstrong was not cleared by any want of testimony against him, but by the irresistible appeal of Mr. Lincoln in his favor.' So confident of conviction were Fullerton and Shaw that the opening speech to the jury was almost perfunctory. Walker made the first speech for the defence, and then came Lincoln's appeal for Armstrong. He rose with grave impressiveness, took off his coat and vest and began to speak slowly, distinctly, and without emotion. Soon he removed the stock from his neck. As he proceeded one of his suspenders, which were of knitted wool, fell from a shoulder, and Lincoln, not noticing it, let it hang throughout his speech. He talked for about an hour, and for most of that time, gave a simple analysis of the evidence. 'He spoke slowly and carefully,' relates Walker, 'reviewed the whole testimony [and] picked it all to pieces.'

It was the last part of Lincoln's speech, however, that won freedom for the son of Jack and Hannah Armstrong. He appealed frankly to the sympathy of the jurors. He told the story

of his own arrival at New Salem, penniless and without a friend, of the help and comfort given him by the parents of the accused, of pioneer hardships and struggles, of the recent death of the father, of the plight of the widow, and of the hopeless, desolate life that would be hers if her son should be taken from her — her poverty, disgrace, distress. Tears poured down Lincoln's wrinkled face, for he was in desperate earnest. The jury was overcome and wept with Lincoln. 'Such was the power and earnestness with which he spoke that Jury and all sat as if Entranced and when he was through found relief in a Gush of tears,' Lincoln's colleague relates; and Walker adds: 'I have never seen such Mastery exhibited over the feelings and Emotions of men as on that occasion.'

Shaw, who then and ever after firmly believed that Armstrong was guilty and that proof of his guilt was overwhelming, thus describes Lincoln's appeal to the jury and the effect of it: 'There were many witnesses, and each seemed to add one more cord that seemed to bind him down till Mr. Lincoln was something in the situation of Gulliver after his first sleep in Lilliput. But when he came to talk to the jury (that was always his forte) he resembled Gulliver again; he skilfully untied here and there a knot and loosened here and there a peg, until, getting fairly warmed up, he raised himself in full power and shook the arguments of his opponents from him as though they were cobwebs. He took the jury by storm. There were tears in Mr. Lincoln's eyes while he spoke. But they were genuine. . . . His terrible sincerity could not help but arouse the same passion in the jury. I have said it a hundred times that it was Lincoln's *speech* that saved that criminal from the Gallows.'

In vain did the prosecution, in the final speech to the jury, insist on conviction; the jury was deaf to that demand for cold and formal justice. While Shaw or Fullerton was thus closing the case for the State,[1] Lincoln, sitting at his table, prepared instructions to the jury, which Judge Harriott gave exactly as

[1] It is not stated in any of the narratives by those present, which one of these men made the opening and closing argument to the jury; but since the trial was held at Beardstown and Shaw was the foremost attorney of that place, he probably made the last speech for the prosecution.

Lincoln had written them. They were but two in number and very brief: 'The Court instructs the jury —

'That if they have any reasonable doubt as to whether Metzker came to his death by the blow on the eye, or by the blow on the back of the head, they are to find the defendant "Not guilty" unless they also believe from the evidence, beyond reasonable doubt, that *Armstrong* and *Norris acted by concert*, against Metzker, and that Norris struck the blow on the back of the head.

'That if they believe from the evidence that Norris killed Metzker, they are to acquit Armstrong, unless they also believe beyond a reasonable doubt that Armstrong acted in concert with Norris in the Killing, or purpose to Kill or hurt Metzker.' [1]

While Lincoln was pleading for the life of her son, Hannah Armstrong, her face almost hid by a 'huge' old-fashioned sunbonnet, sobbed piteously. As the jury were filing into their room, one of them heard Lincoln assure her that 'her boy would be cleared before sundown.' Only one ballot was taken and a verdict of acquittal quickly returned into the Court. 'Mr. Lincoln shook hands with Duff Armstrong and then led him to his mother,' told him to care for and comfort her, 'and try to make as good a man as his father had been.' [2] Later Lincoln went to see Mrs. Armstrong. 'I asked him what he charged me — told him I was poor,' she relates. 'He said, "Why, Hannah, I shan't charge you a cent — never. Anything I can do for you I will do for you willingly and freely, without charge."' [3]

When leaving the court room Lincoln handed Armstrong's

[1] The original instructions in Lincoln's handwriting are among the records in the office of the Clerk of the Cass County Circuit Court at Beardstown, Ill. On the margin the word 'given' is written by Judge Harriott. Judge Harriott also gave all instructions, four in number, asked by the prosecution. Records Cass Co. Cir. Ct. Photostats in possession of author.

[2] When the Civil War came on, William Armstrong and three of his brothers enlisted in the Union Army. William fell ill in 1863, his mother appealed to Lincoln to send him home to her, the President immediately ordered that he be discharged, and the mother 'nursed him back to health.' *Works*, IX, 126.

[3] Walker's account differs from that of Mrs. Armstrong in stating that she came to see Lincoln at the hotel, 'took him by the hand and, with Streaming eye, Said God would Bless him and his Children Because he had been Kind to the widow and orphan.'

slung-shot to Shaw, saying with his quizzical smile: 'Here, Henry, I'll give you this to remember me by.' [1]

After the trial a rumor spread that the almanac produced by Lincoln was for the year previous to the murder; and Shaw wrote Herndon that this was the general belief in Beardstown 'at that time (and I may also say at the present)' — 1866.[2] Shaw says that the story was that, when Lincoln came into court, he handed to the clerk an almanac for 1856, 'stating that he might call for one during the trial and if he did, to send him that one;' that when the witness testified that he could see plainly because the moon was nearly full and 'about in the same place that the sun would be at ten o'clock in the morning,' Lincoln called for the 'prepared' almanac and showed from it that at the time testified by the witness, 'the moon *had already set;*' that 'in the roar of laughter following, the jury and opposing counsel neglected to look at the date;' and that thus the trick succeeded. 'My own opinion is,' concludes Shaw, 'that when an almanac was called for by Mr. Lincoln, two were brought, one of the year of the murder and the other of the year previous; that Mr. Lincoln was entirely innocent of any deception in the matter.'

But Milton Logan, the foreman of the jury, told Shaw 'that the almanac was a "Jayne *Almanac*," that it was the one for the year in which the murder was committed, and that there was no trick about it, that he is willing to make an affidavit that he examined it as to its date and that it was the almanac of the year of the murder.' Although giving his account some forty years after Logan's emphatic statement, another juror, John T. Brady, supports it: 'The Almanac showed that the moon at that time was going out of sight. There has never been a question in my mind about the genuineness of the almanac,

[1] Shaw kept the slung-shot for many years, he assured Herndon. 'I have that same slung-shot now,' writes Shaw. 'It was made by Armstrong for the occasion. He took a common bar of pig lead, pounded it round, about the size of a large hickory nut, then cut a piece of leather out of the top of one of his boots, and with a thread and needle he sewed it into the shape of a slung-shot, and thus improvised in a few minutes a very fatal weapon.'

[2] Mr. Saunders in his affidavit says that 'while some people in this community [Beardstown] believed the almanac . . . was changed and was not for the year A.D. 1857, yet the great majority believed the almanac was genuine.'

that it was an up to date almanac; this I am sure of, as it was passed up to the Judge, Jury and lawyers, who all examined it closely.' Still more convincing is Bergen's positive assertion: 'When Lincoln called for the almanac he exhibited it to the opposing lawyers, read from it and then caused it to be handed to the jury for their inspection.' They compared it with another almanac for the same year, 'and found they substantially agreed. . . . All this I personally saw and heard and it is as distinct in my memory as if it had occurred but yesterday.' [1]

It is hard to account for the origin of the gossip of the false almanac; hard to explain the vitality and persistence of the story. Perhaps it was started by the verdict of acquittal which, it would seem, the people thought unjust in view of the evidence against Armstrong. The story was revived in Lincoln's contest with Douglas later in the year in which the trial was held, and it appeared again in the presidential campaign two years afterward. But whatever the source of the tale and whatever the means by which it was kept alive, the incident of the almanac has been unduly magnified. Nor is the production of the almanac evidence of Lincoln's uncommon shrewdness and foresight. Any alert lawyer could not possibly have failed to do the same thing; and thousands of resourceful lawyers have devised other expedients equally skilful to impair or break down positive testimony which they knew would be adduced.[2]

[1] Jayne's *Almanac* for 1857 shows that on the night of Aug. 27, of that year, the moon set a little before midnight in the latitude of Philadelphia. No Jayne's *Almanac* of that year for the latitude of Chicago has been located; but the *Methodist Almanac* (Chicago Hist. Socy.) for 1857 shows that the moon set at midnight in the latitude of the scene of the murder.

The moon really set on that night at 12.05 A.M. (Computation for author by Observatory of Harvard University.) The whole matter is of no moment, since there was plenty of light at the time of the fight. As stated in the text the almanac was in conflict only with Allen's statement as to the position of the moon.

[2] Shaw took the almanac and kept it as long as he lived. Apparently Lincoln gave it to him along with the slung-shot. Upon Shaw's death John Huston, who had been deputy Sheriff at the time of the trial, got possession of the almanac (Saunders' affidavit). He was 'a bitter Democrat' (Barton, I, 313). Thirty or forty years after the trial he sold to Gunther of Chicago an almanac which he alleged to be the one Lincoln used at the Armstrong trial. Gunther gave it to the Chicago Hist. Socy., but within the last five years it has disappeared. It is, however, unworthy of notice since it was not Jayne's *Almanac* which Milton Logan, the foreman of the jury, declared in 1866 and George T. Saunders asserts in 1925, was the almanac in question.

In late American editions of *Ram on Facts* the index contains a reference, 'Lincoln,

The records show that in trial courts Lincoln won many more cases than he lost. But he was no phenomenon of success. He often failed. He had runs of bad luck it seems. Bunn told Whitney that Lincoln in a single year was beaten in every trial at every court held throughout the whole circuit — three months of continuous defeats.[1] Yet all testify that he was the leader of the bar in the Eighth Circuit,[2] and many assert that he was the best jury lawyer in Illinois. He was never without employment and appeared in nearly every case that was tried, usually for the defence. It is a singular fact that in cases in the Circuit Court described by the Judge or other lawyers, Lincoln seldom appeared for the plaintiff. His associates declare that in jury trials he showed little knowledge of decisions or textbooks,[3] but relied upon principle and reason.

Lincoln's mind worked slowly, he had to have plenty of time to think out courses of action and did poorly when hurried. 'I have seen him,' testifies Herndon, 'lose cases of the plainest justice, which the most inexperienced member of the bar would have gained without effort,' because he had not been given time to prepare.[4] He was willing to let the trial of cases go over to the next term; but, Weldon says, that this was because Lincoln 'was not an industrious lawyer.'[5] Gillespie admits that Lincoln was slow in his mental processes, but thinks the cause of such deliberation was that he looked carefully into every aspect of a case, and this, too, is Bergen's explanation.[6]

Lincoln once explained to his impatient partner how his mind worked: '"Give me your little pen-knife, with its short blade, and hand me that old jack-knife, lying on the table." Opening the blade of the pen-knife he said: "You see, this blade at the point travels rapidly, but only through a small portion of space till it stops; while the long blade of the jack-knife moves no faster but through a much greater space than the small one.

President Abraham, how he procured an acquittal by a fraud,' and the text gives the almanac episode on the authority of Shaw's letter in Lamon and Arnold.

[1] Whitney, 255. [2] Weldon: Rice, 200.

[3] Whitney, 252; Weldon: Rice, 202; Bergen in Kansas Bar Assn. Address (MS.).

[4] Herndon, II, 337. [5] Weldon: Rice, 200.

[6] Gillespie to Herndon, Jan. 31, 1866. Weik MSS.; Bergen's Kansas Bar Assn. Address.

Just so with the long, labored movements of my mind. I may not emit ideas as rapidly as others, because I am compelled by nature to speak slowly, but when I do throw off a thought it seems to me, though it comes with some effort, it has force enough to cut its own way and travel a greater distance."' [1]

Because he knew so little of decisions [2] and required so much time to prepare, Lincoln's best work as a lawyer was in the argument of cases before the Supreme Court. For such arguments he never failed to prepare with utmost thoroughness. He examined available precedents, carefully studied the textbooks; [3] his briefs and addresses to the court were well-reasoned and strongly supported by authorities; [4] and he was usually successful. All told he had one hundred and seventy-five cases in the Supreme Court of which he won ninety-six.[5] Lincoln's conduct of cases before the Supreme Bench was, by far, his most distinguished effort at the bar. His arguments covered almost the whole range of the law and included values from a three dollar hog case [6] to a disputed liability on a note for over one hundred and thirty thousand dollars.[7] He appeared for subscribers to railroad stock who refused to pay [8] and for the railroad company to collect stock subscriptions.[9]

While he was employed more frequently by railroad companies than against them, when Lincoln did oppose them he was as vigorous as when he supported them. For instance, he re-

[1] Herndon, II, 338–9. 'This was said to me when we were alone in our office simply for illustration. It was not said boastingly.'

[2] Herndon to Weik, Oct. 22, 1885. Weik MSS.

[3] Address of R. M. Benjamin in *Bloomington Pantagraph*, Feb. 23, 1909. 'Study with Mr. Lincoln was a business, not a pleasure.' Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[4] Lincoln 'was a perfect *case* lawyer, . . . studied special cases thoroughly. . . . He remembered his special reading and applied it to other cases and so on till he got to be a No. 1 Sup[re] m[e] Court Lawyer.' Herndon to Weik, Oct. 22, 1885. Weik MSS.

'He was a case Lawyer but in a case where he felt that he had the right none could surpass him.' O. B. Ficklin to Herndon, Charleston, Jan. 25, 1865. Weik MSS.

[5] Richards, 64. [6] Byrne *vs.* Stout, 15 Ill. 180–2.

[7] Smith *et al. vs.* Dunlap, 12 Ill. 184–94; and Dunlap *vs.* Smith *et al.*, *Ib.* 399–402. Of these cases Lincoln won the first and lost the second, in which Senator Douglas appeared.

[8] Banet *vs.* Alton & Sangamon R. R. Co., 13 Ill. 504–14; and Sprague *vs.* Ill. River R. R. Co., 19 Ill. 174–83. Lincoln lost both these cases.

[9] Klein *vs.* A. & S. R. R. Co., *Ib.* 514–6. Lincoln won this case.

sisted the efforts of the Chicago, Burlington and Quincy Railroad Company to secure condemnation of lots in Kane County for shops and a depot, but was beaten.[1] Another example is his securing of a verdict of a thousand dollars against the Chicago, Alton and St. Louis Railroad Company in Logan County for Joseph A. Dalby. A conductor had violently put Dalby and his wife off the train because they would not pay extra fare, having tendered the price of tickets which they had been unable to get at the station which was out of tickets. The company appealed to the Supreme Court and energetically opposed the instructions given by the trial judge. Lincoln as stoutly upheld them, and, in a long and careful opinion by Chief Justice Caton, the Court sustained Lincoln's contentions and established rules in such cases which remain the law to this day.[2]

But whatever the nature of the case in the Supreme Court, Lincoln conducted it with all his power and exhausted the resources of the Supreme Court Library in his effort to support his position. For in these cases Lincoln had the leisure to consider questions and form plans of procedure which was indispensable to him for informing himself on the law of a case. He did not write many briefs, however, seeming to prefer oral argument supported by notes of authorities left with the Court. But two briefs in Lincoln's handwriting have been discovered, and they are worthy of note solely because they are examples of his method of argument by means of briefs.

In a slander suit [3] the Supreme Court had decided against Lincoln and he petitioned for a rehearing. One woman had publicly charged that another was the mother of negro children. Lincoln had won in the trial court, and the Supreme Court re-

[1] C. B. & Q. R. R. Co. *vs.* Isaac G. Wilson, 17 Ill. 123–31. James F. Joy represented the railroad company and Lincoln with Grant Goodrich appeared against it. The company applied to the Supreme Court for a mandamus to compel Judge Wilson of the Thirteenth Circuit to appoint commissioners to condemn the land. The Judge had refused to do so. The case involved the construction of the company's charter, the necessity for condemnation, the failure of the company to show that it could not have acquired the land by purchase, etc. The Supreme Court decided in favor of the company and awarded the mandamus.

[2] Chicago, Alton & St. Louis R. R. Co. *vs.* Dalby, 19 Ill. 353–76. An account of the trial of this case is given in Stringer, 219. For Lincoln's connection with the Chicago and Alton R. R., see *Lincoln and the Railroads*: John W Starr, Jr., 80–4.

[3] Patterson *et ux. vs.* Edwards *et ux.*, 7 Ill. 720.

versed the judgment because the proof varied materially from the allegations in the complaint. In his brief Lincoln tried to show there was no real difference. The words alleged were: 'Mrs. Edwards has raised a family of children by a negro.' The words proved were: 'Your mother has had children by a negro, and all her children are negroes.'

These words, argued Lincoln, were substantially the same — they were 'equivalent words . . . a variance to be material . . . must be a variance in *sense*. . . . "Is there any difference *in sense* between saying a woman has *raised* children by a negro, and saying she *had* children by a negro?"' Even if there were a variance, still the defendant's lawyers at the trial had made no mention of it; and this being so, was it fair to the court below to reverse its judgment? Besides the old rule that words to be slanderous must '*necessarily*' amount to a shameful charge 'has been exploded nearly or quite a hundred years,' as the new edition of *Starkie on Slander* shows; and a new rule substituted that the words 'need only be *capable* of the meaning attached to them.' [1]

The first litigation of great importance in which Lincoln was retained was the famous 'Reaper Case,' McCormick *vs.* Manny *et al.*, in 1854–55. What happened in the course of that chancery suit so reveals Lincoln that a sketch of it cannot be left out of this narrative. The incidents at the hearing also had a decided effect on his development; and it is more than probable they were of influence at a critical time after he became President. Nor can his experience in the 'Reaper Case' be wholly disconnected from at least two other large employments that came to him, one a little while before and the other not long afterwards.

During the year 1834, in the beautiful little town of Lexington, Virginia, a young man of an important family of the Shenandoah Valley, Cyrus H. McCormick, invented a reaping machine. It worked well and, in a few years, he and his brothers went to Chicago to manufacture and sell it. From time to time

[1] Weik, 170–4. The court promptly denied the petition.

Lincoln's other brief was in Smith *vs.* Smith, 21 Ill. 244. It is upon an election bet which Lincoln's client tried to avoid on the ground that such a wager was gambling, as 'contrary to public policy and morality.' Weik, 174–6. The court decided that in the absence of a statute forbidding such a bet, it was valid.

McCormick made improvements and secured patents. The business became so profitable that other companies, east and west, began to manufacture reapers, similar to that of McCormick, but differing in important features.

One of these concerns, a partnership at the head of which was John H. Manny, had a factory at Rockford, Illinois. In 1854 McCormick sued Manny and his associates in the United States Court for the Northern District of Illinois for infringement of his patents. Thomas Drummond, before whom Lincoln had practised and who knew Lincoln well, was the Judge of this court.

Rival manufacturers in the East joined the Rockford manufacturers in their fight upon McCormick, although they did not appear of record in the litigation. Both sides regarded the McCormick-Manny suit as a test case. A large fund was raised — 'there was money enough at our disposal,' relates George Harding, the chief counsel for the reaper combination, 'to do whatever we thought would conduce to success.'

The ablest patent lawyers were employed — Edward M. Dickerson of New York for McCormick and George Harding of Philadelphia for the defence. Dickerson and Harding were the outstanding patent lawyers of that day and of almost equal eminence, although Dickerson, somewhat older than Harding, had, perhaps, a little wider reputation. With Dickerson was Reverdy Johnson, then a leader of the American bar.

What happened in the conduct of the case is clearly told by Harding, who, in the spring of 1876, gave a comprehensive and detailed account to Robert H. Parkinson, a lawyer then of Cincinnati, now of Chicago. So full, frank, self-critical is this statement of Harding to Parkinson that it must be accepted as accurate and complete, and the only other trustworthy narrative supports it in all important points.[1]

[1] 'In the spring of 1876, with Harding as my senior counsel, I helped argue a case in Nashville, Tenn., before Judge Emmons, of Detroit, then U.S. Circuit Judge of the Sixth Circuit. Harding made the closing argument and, immediately upon its conclusion, a decree was entered in favor of our client.'

Parkinson took Harding and Judge Emmons for a drive in the country, and the young lawyer asked his senior counsel about the rumor that Harding had been instrumental in making Lincoln President, quoting a compliment that Lincoln was said to have paid Harding's argument in the Reaper Case.

I 'asked him [Harding] to give us the whole story,' and 'Harding, who was more

'I had been retained by a group of reaper manufacturers East and West,' Harding relates, 'to resist McCormick's charge of infringement.' Watson, who afterwards became President of the Erie Railroad, assisted in the preparation of the case, for which work 'he was especially well qualified.' Supposing that the trial would be before Judge Drummond at Chicago, it was decided to employ a local lawyer 'who understood the judge and had his confidence;' but Harding 'felt that we were not likely to find a lawyer there who would be of real assistance in arguing such a case.'

In this spirit, the astute eastern attorneys first tried to get Isaac N. Arnold as their local associate; but Arnold had 'some adverse retainer. A Springfield lawyer, whose name was given as "A. Lincoln" or "Abe Lincoln," was then suggested.' Harding was not well impressed, but his 'Illinois clients' insisted, and he sent Watson to Springfield 'to look Lincoln over with authority to retain him if he concluded it was best.' From the first Harding had wanted as his associate in the case another Pennsylvania lawyer whom he knew well, an aggressive young man of notable ability and tireless industry, Edwin M. Stanton. Harding's only thought in employing an Illinois lawyer was that he might make matters easier in the Chicago court because of local knowledge and, perhaps, influence.

Watson arrived at the capital of Illinois late in the afternoon, and found Lincoln's office closed. He sought him at his house and 'found it a small frame structure,[1] not such as would indicate that its occupant was a lawyer of such standing as we required. There was neither door-bell nor knocker.' Watson rapped on the door.

'"Who is there?" asked a woman, sticking her head out of an upper window. Watson said he wanted to see Lincoln.

'"Business or politics?" she asked.

'"Business," answered Watson.

'"Abe, here is a man who wants to see you on business,"' cried the woman in a 'modified tone.'

genial and approachable that day than I ever saw him before or after,' then gave the narrative which Parkinson carefully wrote out for the author and which is followed in the text. Parkinson to author, May 28, 1923.

[1] Lincoln's house was still a story and a half; the upper story was not raised until 1857.

Responding to his wife's summons, 'the door was opened by a tall man having on neither coat nor vest, who said he was Lincoln and was just putting up a bed.' Into 'a small, plainly furnished room,' went Watson, satisfied that Lincoln was not the man the defence wanted in that vital litigation. After talking with him awhile, however, Watson concluded that Lincoln 'might be rather effective in that community' and that, having consulted him, the defence had better employ him than to risk his possible hostility. So, to Lincoln's surprise, Watson paid him a cash retainer, 'arranged for quite a substantial fee to be paid' when the trial was over, and left Lincoln 'under the impression that he was to make an argument and [was] expected to prepare for it.'

Watson told Harding what he had done 'and why.' It was better, he advised, to 'keep Lincoln in line but, without disabusing him, quietly employ Stanton . . . and ultimately find a way for side-tracking Lincoln.' Watson's description of the uncouth aspect of the Springfield attorney 'confirmed' Harding in his first opinion, 'that it would be quite out of the question to have him take part in the argument.' The agreement that the case should be heard in Cincinnati, instead of Chicago 'removed the one object we had in employing Lincoln.'

Such was the state of mind of the chief and managing counsel for the defending reaper combination when, in September, 1855, Lincoln arrived in Cincinnati. He had prepared, with perhaps greater thoroughness than ever in his life, to argue this immensely important case, the only great case he had ever had. But Harding and Stanton, who were already on the ground, were thinking only of winning; nor did they, nor any other person anywhere, then foresee the immortality that ten years thereafter was to clothe the name of Lincoln, nor realize the blame to be visited on them for not having had superhuman prescience. So they acted as most trustworthy and competent lawyers would act in a like situation. They were responsible for the conduct of the case, and, if they had lost, their clients would have criticized them harshly and with reason for having permitted a country lawyer, with little knowledge of patent law and with no reputation whatever in that field, to make an argument on

questions so highly technical as those involved in a contest which affected so profoundly such extensive interests.

Notwithstanding, then, the circumstance that Lincoln had come 'to Cincinnati with his argument prepared, and without an intimation that other arrangements had been made,' Harding and Stanton 'determined that he should be altogether dispensed with.' Their decision was strengthened by the first sight of their Illinois associate whom Harding instantly recognized from Watson's description of him. He was at the Burnet House, says Harding, 'standing on the platform at the head of the steps ascending from Third Street.' He looked like 'a tall, rawly boned, ungainly backwoodsman, with coarse, ill-fitting clothing, his trousers hardly reaching his ankles, holding in his hands a blue cotton umbrella with a ball on the end of the handle. I can see distinctly that umbrella and Lincoln standing there with it.

'When introduced, we barely exchanged salutations with him, and I proposed to Stanton that he and I go up to the court.

'"Let's go up in a gang," remarked Lincoln.

'"Let that fellow go up with his gang. We'll walk up together,"' said Stanton, aside, to Harding. And 'we did,' Harding relates.

McCormick's two lawyers had heard that Lincoln was there for the defence, and Dickerson and Johnson wanted him to 'take an active part.' When court opened, 'Johnson arose and in his suave manner said: "We perceive that defendants are represented by three counsel. We are quite willing that they shall be fully heard and shall waive objection to there being more than two arguments on a side, merely asking that Mr. Dickerson be permitted to speak twice, if we so desire."'

Instantly Harding and Stanton saw the trap. If they walked into it, Dickerson could speak both before and after Harding. Springing to his feet and 'in his pugnacious way shaking his fist,' as Harding describes the scene, Stanton said that 'we sought no indulgence from our opponents, and needed none; that there was no intention of having more than two arguments on our side, that we should not think of so violating the usage of the Court, and that he would forego the argument he had expected to make rather than be a party to such an impropriety.'

Stanton made 'it plain to Lincoln that we expected him to withdraw, and, upon his offering to do so, he was taken at his word instantly, and treated as no longer connected with the case.'

In spite of the affront Lincoln stayed in Cincinnati during the entire hearing which lasted about a week. He was constantly in court and, Harding says, 'was a close observer throughout.' After he found that he was not to speak he sent to Harding, 'through Watson, a roll of manuscript which he said contained the argument he had intended to deliver,' for any use Harding might care to make of it. 'I was so sure that it would be only trash on which I must waste no time,' frankly admits Harding, 'that I never glanced at it or even opened it.' Lincoln asked Watson if Harding had read his manuscript. Watson carried back the answer that it had not been read. Lincoln requested the return of it 'intimating that he wished to destroy it.' So 'it went back unopened.'

Watson was the messenger in this, the only communication Lincoln had with his associates. Although they were all at the same hotel, neither Harding nor Stanton 'ever conferred with him, ever had him at our table, or sat with him, or asked him to our rooms, or walked to or from the court with him.'

Nor was this conduct the only humiliation to which Lincoln was subjected. 'During the week Justice McLean entertained counsel on both sides at dinner in his residence at Clifton, one of the suburbs of Cincinnati. Lincoln was not invited.' When the hearing was over Harding and Stanton left the city without saying good-bye to him.

Ralph Emerson, one of Manny's partners at Rockford and a defendant in the McCormick suit, was an eager attendant of the hearings. He knew Lincoln well, and he asserts that it was he who insisted that Harding and Watson should employ Lincoln.[1] Emerson told Parkinson what he saw and heard, and, with the exception of quotations from a pamphlet written many years later, the statements here given are from his conversations with Parkinson. He observed Lincoln closely while the arguments were being made. Lincoln was as one entranced. 'The argu-

[1] *Personal Recollections*, by Mr. and Mrs. Emerson, 1909.

ment in that case was a revelation to him. He had never seen anything so finished and elaborated, and so carefully prepared. . . . It was a fine exhibition of accomplished lawyers conducting a great trial.'

Emerson told Parkinson that Lincoln was particularly captivated by Harding's address. While that talented lawyer was speaking, he 'sat behind him, following every word, and by the expression of his face and by his apparently unconscious gestures, emphasizing every point. Judge Drummond, who held Lincoln in high esteem, was watching him as closely as he was watching Harding himself, and I think Lincoln thus added considerably to the effect of Harding's argument.' Emerson relates that Lincoln was even more deeply impressed by Stanton's address. 'So intensely interested was Lincoln in this speech that . . . he stood rapt in attention, or else was walking back and forth in the court room listening intently. . . . From what Lincoln said to me when he was President I am satisfied that it was that speech which made Lincoln choose Stanton as his final Secretary of War.' [1]

Emerson declared in his account to Parkinson, as well as in his pamphlet, that the principal immediate effect upon Lincoln of his experience with Harding and Stanton and of witnessing the conduct of the case by the lawyers for both sides was to make him resolve to improve himself. He did not reproach his associates, it appears, even in his heart. 'He had not a particle of envy in his nature,' Gillespie testifies in his analysis of Lincoln's character.[2] 'It required no effort on his part to admit another man's superiority.' [3] While disappointed, he was 'quick to see the disadvantage to which lack of education and refinement exposed him.' Emerson says that he was aware of Lincoln's great ability, but he also knew his deficiencies, and he adds defensively:

[1] Emerson, 7. Emerson says that there was some talk of a compromise 'in our office,' at which Stanton 'was ablaze at once; and with gestures as though he held a sword in his hand, he exclaimed: "Compromise! I know of but one way to compromise with an enemy, and that is with a sword in your hand, and to smite, and keep smiting."'

Emerson's pamphlet is not nearly so clear and trustworthy as his statement to Parkinson, which was made many years before he wrote the pamphlet.

[2] Gillespie to Herndon, Dec. 8, 1866. Weik MSS.

[3] Same to same, Jan. 31, 1866. Weik MSS.

'You can hardly imagine how primitive and coarse were the conditions under which he had grown up. . . . Lincoln had acquired a command of language effective with such audiences as he then had, was acute in his reasoning power, and apt in telling pertinent stories. . . . Some of these stories were such as a gentleman of refinement would neither tell nor wish to hear, though they were never, I think, told except for the illustration of a point.' But, as yet, he was not in the least equipped to meet such men as those whom he had heard conduct the great Reaper case before Justice McLean of the National Supreme Court and Judge Drummond of the United States Circuit Court at Cincinnati during that week of September, 1855. So, at least, Lincoln believed.

'I am going home to study law! I am going home to study law!' he exclaimed repeatedly, as he and Emerson walked from the court room down to the river when the hearing had ended. Emerson said that that was what he had been doing. 'No,' Lincoln replied, 'not as these college bred men study it. I have learned my lesson. These college bred fellows have reached Ohio, they will soon be in Illinois, and when they come, Emerson, I will be ready for them.'

From that time on, insists Emerson, who often heard Lincoln thereafter, his style and manner of speech and argument improved greatly and steadily — the result, as the old manufacturer stoutly contended throughout his long life, of Lincoln's connection with the celebrated patent case of McCormick *vs.* Manny *et al.*[1]

[1] Emerson's statement was made to Mr. Parkinson, who recounted it to the author, and afterward, at his request, put it in writing. Years after Harding had given Parkinson the account quoted, Parkinson was defending the McCormick Harvesting Machine Co. in a patent suit. 92 Fed. 167, 34 C. C. A., 280. Emerson who was deeply interested in the case financially — the real plaintiff, in fact — was present, most of the time, especially while Parkinson was cross examining the plaintiff's expert.

Emerson and Parkinson were very friendly, however, and often conversed socially. 'I knew that he had been a client of Harding's,' writes Mr. Parkinson, 'and that he had known Lincoln and his associates quite intimately before Lincoln was much known outside of Illinois. I did not then realize that he had attended the trial at Cincinnati as a party defendant in this McCormick case.'

Parkinson made mention of Harding's part in that litigation in relation to Lincoln. In this wise came Emerson's narrative as stated in the text.

'The sequence and circumstances of these conversations [with Harding and with Emerson] impressed them on my memory with unusual definiteness. Hence I have

Harding and Stanton won. In January, 1856, Justice McLean at Washington handed down a long opinion in favor of the defendants. 'The case was argued on both sides with surprising ability and clearness of demonstration,' declares the Justice.[1]

When Lincoln received a check for his fee, he 'returned it, saying he made no argument, and was entitled to no pay beyond the original retainer.' Watson, who 'disbursed the funds,' again sent the check to Lincoln, insisting that, since he had prepared his argument, 'he was as much entitled to the fee as if he had made the argument.' Lincoln then accepted.[2]

Not for years did Harding or Stanton change their minds about Lincoln. Harding thus admits the continuance of his prejudice: 'When Lincoln was named for President by the party to which I belonged, my disgust was such that I felt I could not vote for him and I did not intend to, but the situation had become so ominous by election day that I finally took a Lincoln and Hamlin ballot, closed my eyes, and with great reluctance dropped it in the box.' In the same campaign Stanton, who was an aggressive Democrat, attacked Lincoln with unbridled violence, as a person without sense, manners, or character. Yet he changed his mind, and we shall hear him tell Harding how badly both were mistaken in Lincoln and how supremely great was the man whom they had once insulted. Lincoln, too, remembered them, never for a moment with bitterness or resentment, however, but with understanding and appreciation. As President, he offered one of them the office of Commissioner of Patents [3] and, when a great day came, made the other his Secretary of War.

Some two years before the Reaper Case, Lincoln secured another employment, payment for which was not made until a

mentioned these incidents, as I otherwise would not.' Parkinson to author, May 28, 1923. Mr. Parkinson thinks Emerson's statement trustworthy and accurate.

[1] McCormick *vs.* Manny *et al.* 6 McLean, 539–57. The point in the decision was that parts of Manny's machine were different 'in form and principle,' from those in McCormick's reaper. The opinion is extremely technical. In a separate opinion, written without knowledge of McLean's conclusions, Judge Drummond concurred 'at every point.' *Ib.*, 543.

[2] Harding's narrative; Parkinson to author, May 28, 1923. The amount of this fee is unknown.

[3] *Ib.*

judgment in his favor was rendered in Court nearly two years after his melancholy experience at Cincinnati. In 1853–54 he appeared for the Illinois Central Railroad Company in a suit by the corporation against McLean County to enjoin the collection of taxes. The outcome of that suit was, at that particular time, almost vital to the road's existence. Because the fee in that case was the largest he is known ever to have received, and because of conflicting and sadly confused accounts of the collection of it, overmuch has been written about it.

The original law authorizing the incorporation of the Illinois Central Railroad was passed January 18, 1836. It provided that for the first six years the company should pay to the State five per cent of its gross earnings, and thereafter seven per cent annually, in lieu of all other taxes. But no effort was made to build the road for fifteen years thereafter. On May 2, 1850, Douglas got a bill through the Senate and, on September 17, Ashmun secured its passage through the House,[1] granting to Illinois a large amount of public lands to aid in the construction of the road. With this law as a basis the Legislature gave an elaborate charter to the Illinois Central Railroad Company by which the Governor of the State was required to deed to the company all lands granted to the State, and the Company was required simultaneously to transfer all its property to trustees named in the act.

The charter also provided that the Railroad Company should pay to the State, semi-annually, five per cent of its gross receipts, and exempted from taxation all the property of the company for six years; after which 'an annual tax for State purposes shall be assessed by the [State] auditor upon all the property and assets of every kind and description belonging to said corporation.' [2] Thus the interests of the State were secured until the road was completed and in operation. The deed of trust amounted to a mortgage.[3]

Under this arrangement, work on the road began in 1851. The general counsel of the company was James F. Joy of Detroit, a

[1] Ackerman, 15–7. Mr. Ackerman was President of the I. C. R. R. Co. when he wrote this historically valuable brochure.

[2] Charter I. C. R. R. Co., Act, Feb. 10, 1851. *Laws of Illinois*, 2nd Sess. 61–75.

[3] Separate Opinion Justice Skinner, I. C. R. R. Co. *vs.* McLean Co. *et al.* 17 Ill. 297.

leading railway lawyer in the West. It would appear that almost immediately after construction of the Illinois Central began, he retained Lincoln as the company's attorney at Springfield.[1] Joy also employed Lincoln, who was 'influential in the State House,' to help him get from the Legislature an act authorizing the Michigan Central Railroad Company to build across northern Illinois into Chicago.[2] At all events, Lincoln was very early attorney for the Illinois Central.[3] On October 14, 1853, Joy telegraphed Lincoln to act as an arbitrator between that company and the Northern Indiana Railroad Company.[4]

In May, 1853, the first section of the road between LaSalle and Bloomington was finished and put in operation.[5] After several months the officials of McLean County decided to assess the property of the road within that county for local taxes. The company refused to pay and brought suit in the Circuit Court to enjoin collection. The question involved was of first importance to the State as well as to the company; for if each of the numerous counties through which the road passed could tax the company in addition to the large amount which it paid to the State under its charter, the operation of the road would have been almost impracticable, the further building of it delayed if not prevented. Even without the additional burden of county taxation the completion of the road was achieved with the utmost difficulty.

Lincoln was acutely anxious to represent one side or the other

[1] 'On Friday morning last, Mr. Joy filed his papers, and entered his motion for a mandamus, and urged me to take up the motion as soon as possible.' Lincoln to Charles Hoyt (Atty. for the I. C. R. R. at Chicago), Jan. 11, 1851. *Works*, II, 146–7.

[2] 'Detroit Memories of Lincoln:' Joseph Greusel, *Detroit Free Press*, Feb. 12, 1911. Greusel got his information from Joy.

[3] Mr. Hill puts the date of Lincoln's employment by the I. C. R. R. Company in 1853. Hill, 202; but this is almost certainly a year later than Lincoln's first retainer by the road.

[4] Hill, 250. The dispute between these roads related either to a crossing agreement or to losses growing out of a collision. Stuyvesant Fish (Pres. I. C. R. R. Co.) to J. M. Dickinson (General Counsel) March 27, 1906. MSS. Files Legal Dept. I. C. R. R. Co., Chicago.

[5] In July, 1854, the section from Chicago to Champaign was completed, and trains were running over it. The section from Cairo to LaSalle was completed Jan. 8, 1855. The entire road, 705.5 miles in length, was finished in September, 1856, Ackerman, 84–8.

in this most important litigation, preferably the counties in which the road had property; and he was alertly active in efforts to secure employment. He could not afford, he said, to lose the chance to earn such a fee. He had discussed the question with the tax officials of at least one other county than McLean, it appears, urging the two counties to 'make common cause' against the railroad company; but neither county had retained him and Lincoln said that the road had offered 'to engage' him. In this situation and before the tax suit was begun, Lincoln wrote from Bloomington to T. R. Webber, Clerk of the Court of Champaign County:

'I find that McLean county' (of which Bloomington was the county seat) 'has assessed the land and other property of the Central Railroad for the purpose of County taxation. An effort is about to be made to get the question of the right to so tax the [Railroad] Co. before the court and ultimately before the Supreme Court, and the [Railroad] Co. are offering to engage me for them.

'As this will be the same question I have had under consideration for you, I am somewhat trammelled by what has passed between you and me, feeling that you have the first right to my services, if you choose to secure me a fee something near such as I can get from the other side.

'The question in its magnitude to the [Railroad] Co. on the one hand and the counties in which the Co. has land on the other is the largest law question that can now be got up in the State, and therefore in justice to myself, I can not afford, if I can help it, to miss a fee altogether.

'If you choose to release me, say so by return mail, and there an end. If you wish to retain me, you had better get authority from your court, come directly over (to Bloomington) in the stage and make common cause with this county.' [1]

Neither county retained Lincoln, however, and three weeks

[1] Lincoln to T. R. Webber, Bloomington, Sept. 12, 1853. *Litigant:* Townsend, 22–3. This letter is not in Lincoln's *Works*.

Webber wrote immediately to John B. Thomas, Judge of Champaign County, urging the employment of Lincoln, and Judge Thomas replied, Sept. 15: 'I fully concur with your opinion that no time is to be lost in securing the services of Mr. Lincoln, and hope you or Mr. Jaquith will leave immediately for Bloomington, confer with the

after he sent the above letter, he wrote to the railroad company's attorney, Mason Brayman, who appears to have been in charge of this particular matter locally. Lincoln was now attending court at Pekin and was becoming nervous, it would seem, over the prospect of being left out of the case altogether.

'Neither the County of McLean nor anyone on its behalf has yet made any engagement with me in relation to its suit with the Illinois Central Railroad on the subject of taxation,' Lincoln advised the road's attorney. So 'I am now free to make an engagement for the road, and if you think of it you may "count me in." Please write me on receipt of this. I shall be here at least ten days.'[1] Brayman then employed Lincoln and sent him a draft for two hundred and fifty dollars as a retainer.[2] It appears that there was no contest in the Circuit Court; a decree of dismissal was entered *pro forma*, and, for purposes of appeal which was immediately taken, the decree contained a stipulation 'that the only question to be made in the Supreme Court' was whether the road could be taxed by the county.[3]

Early in 1854 Joy resigned as General Counsel of the road; but the company insisted that he finish this case. Accordingly he came to Springfield for that purpose. With him in the Supreme Court were Brayman and Lincoln. McLean County was represented by Logan, Stuart, and Benjamin Edwards. The case was heard at the May term, 1854, but the Court was in such doubt that the 'cause stood over, and re-argument was ordered that full discussion and deliberate examination might remove these apparent difficulties.'[4]

The question turned on the construction of Section two, Article nine of the State Constitution of 1847. This section provided

authorities of McLean [County] and take such measures as the circumstances may suggest as to the fee to be offered Mr. Lincoln. I have only this to say, that we have no right to expect his services for a trifle and in this respect have no hesitation in giving you full authority to contract for a fee in proportion to the importance of the claim.' He suggests a retaining fee of fifty dollars ['you need not give it all if less will do'], and an additional contingent fee, 'such as may be necessary even to $500.' Starr, 60.

[1] Lincoln to Brayman, Pekin, Oct. 3, 1853. *Works*, II, 179–80.

[2] Herndon, II, 352. The original draft and Lincoln's letter accepting the retainer are owned by Jesse W. Weik, Greencastle, Ind.

[3] Statement of case. Ill. Cent. R. R. Co. *vs.* the Co. of McLean and George Park, Sheriff, etc.' 17 Ill. 291.

[4] Statement in opinion of the court, delivered by Chief Justice Scates. *Ib.*, 292.

for uniform taxation of all property in proportion to its value, 'and not otherwise;' but the Legislature could tax in any way it pleased excepted classes, specifically named, 'and persons using and exercising franchises and privileges.' [1]

The brief was written by Lincoln.[2] At either the first or second argument, the attorneys for the road took the position that the real issue was not between McLean County and the Illinois Central Railroad Company, but between the County and the State; because the action of the County in taxing the road under the general laws of the Constitutional rule of uniformity in taxation was in direct conflict with the road's charter granted by the Legislature.[3]

In a long and somewhat involved opinion, in which many authorities were cited,[4] the Court unanimously held that, under the Constitution, the Legislature could make exceptions from the rule of uniformity; that the provision in the road's charter requiring payment to the State of a percentage of its gross earnings, was such an exception; and therefore that counties could not tax the road. The decree of the McLean County Circuit Court was, accordingly, reversed.[5]

Joy's fee was twelve hundred dollars.[6] Lincoln wished, as his compensation, 'a particularly beautiful section of land belonging to the company;' and wrote Joy at Detroit to intercede for him with the officers of the company to secure this land as his fee. When in Chicago sometime thereafter Joy did so; but the officials said that they could not give Lincoln a clear warranty deed to the section because all the lands were mortgaged to the bondholders.[7] Joy so advised Lincoln who, sometime after-

[1] Sec. 2, Art. IX, Illinois Constitution, 1847.

[2] The original owned by Jesse W. Weik, Greencastle, Ind., in Lincoln's handwriting, was signed by Brayman, Joy, and Lincoln.

[3] 'The question ceases to be one between the railroad and the county, and becomes one, *in the light in which it has been discussed*, between the county and the State.' Chief Justice Scates in delivering the opinion of the Court. 17 Ill. 292. (Italics author's.)

[4] Among the numerous laws and decisions, the Court cited the fact that Pennsylvania and Massachusetts, at that time, exempted railroads from all taxation on the ground that they were public works. *Ib.*, 296.

[5] 17 Ill. 291–7.

[6] Greusel; *Detroit Free Press*, Feb. 12, 1911.

[7] *Ib.* Also there was the trust deed to the State.

wards, sent to the company a fee bill of five thousand dollars.[1] Seemingly the road's officials thought Lincoln's fee excessive, in view of Joy's moderate charge, and the President, William H. Osborne, suggested that Lincoln sue for the amount and the company would pay the judgment.[2]

This is not unlikely, for, just at this point the road fell upon desperate times. By the end of 1854 only three hundred miles had been constructed, and these were in detached fragments. The operating cost was heavy, earnings small, and all of the road's net income was more than absorbed by the interest on a bonded indebtedness of nearly twenty million dollars and floating obligations aggregating two and a half million more. The crops in Illinois for that year were 'almost a total failure,' and land sales were checked.[3] The directors of the road lived in New York and other eastern cities. Foreclosure was threatened by the company's bondholders and every cent that the road could gather or save was indispensable.[4] The future of the enterprise was an unsolved problem.

In this situation John M. Douglas who succeeded Joy as the road's principal attorney told Lincoln that he could not give a voucher for so large a fee, and advised him to bring suit against the road, which would not contest it. Douglas and other officers of the company had been sharply instructed by the Board of Directors to send every available dollar to New York in order to prevent suits in that State for receiverships; and the General Counsel, in advising Lincoln to sue the road, was attempting to

[1] *Works*, II, 288.

[2] Greusel, as *supra*. 'The simple truth is that the whole trouble was with Mr. James F. Joy . . . whom Mr. Lincoln afterward despised.' Charles L. Capen to John G. Drennan, April 6, 1906. MSS. Files Legal Dept. I. C. R. R. Co.

[3] These I. C. R. R. lands were offered for sale on easy terms and long time. *Illinois State Register*, June 1; *Chicago Daily Democrat*, Nov. 21, 1854, Feb. 12, April 4, Sept. 6, 1855; *Ottawa Free Trader*, Aug. 1, 1857, etc.

Sales revived in 1855. *Free West*, July 12, 1855. 'Yesterday Mr. Du Puy, agent of the Illinois Central Land Department, received a letter from one of the association [Vermont Emigrant Association] stating that about *two hundred* families were preparing to leave Vermont to settle on farming lands, located on the main trunk of the road.'

Most of the emigration from New England and New York, etc., became Republican and supported Lincoln in his contest with Douglas and thereafter.

[4] Ackerman, 63–4, 67.

secure a delay in the payment of so large a sum, until the financial crisis of the road had passed.[1]

Sometime during March, 1857, Lincoln went to New York,[2] undoubtedly to see the directors of the railroad company about his fee, since, so far as has been discovered, he had no other reason for taking so long and expensive a journey at that time.[3] Upon his return, he filed his complaint against the railroad company in the McLean Circuit Court at Bloomington, at the April term, stating his services and demanding judgment for five thousand dollars. The usual formal allegations in cases of debt were made, demand, refusal to pay, and the like.

When the case came on for hearing Thursday, June 18, 1857, no one appeared for the railroad company and judgment was rendered by default. But that afternoon Douglas reached Bloomington, asked that the judgment be set aside, Lincoln promptly agreed, and the case was set for trial on the following Tuesday. The only reason for this procedure was that Douglas did not want the record to show that the company had defaulted because of his absence. The trial, a mere formality, took but a few minutes. Judge Davis presided, the jury, personally selected by him, was the same before which most cases were tried semi-annually in Bloomington, and had known Lincoln for years.[4] In the court room at the time was James S. Ewing, a prominent lawyer of Bloomington, Adlai Ewing Stevenson,[5]

[1] Stuyvesant Fish to Drennan, April 6, 1906. MSS. Files Legal Dept. I. C. R. R. Co.

[2] Stringer, 221–2. The fare from St. Louis to New York was $26.85. *Alton Daily Courier*, April 29, 1853. By 1857 there were sleeping cars with staterooms on the I. C. R. R. Co. *Daily Democratic Press*, Sept. 29, 1857. Lincoln used a pass on the I. C. R. R. Co. on this journey.

[3] It was on this visit that Lincoln endorsed Primm's note for $400 and thus got the lot in Lincoln, Logan County.

Governor Matteson of Illinois was in New York at the same time. Stringer, 222.

[4] 'The selection of the jury at that time was vested by law in the Sheriff, but as a matter of fact, in McLean County at least, they were selected by Judge Davis; most of them being his intimate friends, substantial old settlers of good judgment, sound sense and integrity; the same men appearing term after term as jurors. Mr. Lincoln, who had been attending the McLean County Court for years, knew every one of them and they knew him, and it would have taken a good deal of evidence on the part of the Railroad Company to convince them that Mr. Lincoln was asking an excessive fee.' Ezra M. Prince to John G. Drennan, April 5, 1906. MSS. Files Legal Dept. I. C. R. R. Co.

[5] Vice President of the United States, 1893–97.

then a law student in that town, and Ezra M. Prince, a young attorney. The statements of these men, each of whom declares that he remembered distinctly what occurred, settle this long-controverted matter.

Clearly and briefly Lincoln told the jury the history of the case, the question involved, work done, benefits to the road. He said that Douglas had 'kindly consented that a statement which he had written out and which had been signed by some of the prominent lawyers of the State, might be read in evidence with the same effect as if the depositions of these gentlemen had been taken.' This certificate, which was not sworn to, was signed by Grant Goodrich, Norman B. Judd, Archibald Williams, Norman H. Purple, O. H. Browning, and Robert S. Blackwell. It stated that five thousand dollars was a reasonable fee for the services Lincoln had rendered. Without Douglas's consent it could not have been received as evidence.

Lincoln said that Mr. Joy thought his fee was too high and that a jury would have to decide it. 'Mr. Douglas said that Mr. Lincoln's statement was substantially correct and fair and that he himself did not think the fee charged, was too much.' A verdict was promptly returned for the full amount asked, but reduced by two hundred dollars when Douglas reminded Lincoln that the company had paid him that sum as a retainer fee, an item Lincoln had forgotten.[1]

Stevenson confirms all that Ewing states and adds: 'It appeared to me to be in the nature of an amicable suit.' [2] Prince is equally clear and specific. His understanding was that Douglas thought Lincoln's bill 'reasonable, but in deference to others, it was agreed that an amicable suit should be brought; and the proceedings certainly bear out that view.' Prince gives almost

[1] Statement of James S. Ewing, Bloomington, Ill., April 5, 1906. MSS. Files Legal Dept. I. C. R. R. Co.

Ewing says that the original statement of the lawyers that Lincoln's fee was reasonable was in his 'possession for many years. I had it framed and hanging in my office where it was destroyed in the Bloomington fire of 1900.'

Lincoln made a copy with the signatures in his handwriting; and it is this copy which has been reproduced as the original, with intimation that it never was signed by those whose names are attached to the statement.

The exact amount of the retainer was $250. See p. 587, *supra*.

[2] Adlai E. Stevenson's statement, Bloomington, Ill., April 6, 1906. MSS. Files Legal Dept. I. C. R. R. Co.

exactly the same account as Ewing, but says that 'the case was submitted without argument on either side. The entire trial lasted but a few minutes, and in the ordinary meaning of the term was not a trial at all. . . . I was present at the trial and remember it distinctly.' [1]

The company was hard pressed for funds during all this time payment of the judgment was delayed and, on August 1, a writ of execution was issued to the Sheriff.[2] Fortunately for Lincoln the crisis in the road's finances was not reached until autumn; and on August 12, 1857, four thousand eight hundred dollars, the exact amount of the judgment, was deposited to his credit in the Springfield Fire and Marine Insurance Company, in which Lincoln kept his account. On August 31 he drew out this entire sum [3] and paid half of it, in cash, to Herndon as his share of the firm's windfall.[4] A few weeks later the great panic of October, 1857, prostrated business everywhere, all New York banks but one [5] suspended specie payments, as did most financial institu-

[1] Ezra M. Prince to John G. Drennan, General Attorney I. C. R. R. Chicago, Ill., dated Bloomington, Ill., Apr. 5, 1906. MSS. Files Legal Dept. I. C. R. R. Co. Mr. Prince was Secretary of the McLean County Historical Society at the time he wrote this letter.

In a letter to Judge Drennan, Charles L. Capen, attorney of Bloomington and President of the Illinois State Bar Association, says that his former partner, Robert E. Williams, who was present at the trial, often told him about it: 'The simple truth as stated by him, is that, when Mr. Douglass asked Mr. Lincoln to set aside the judgment by default he told him [that] the Rail Road Company would not make any defence, but that it was embarrassing to him (Douglass) to have the records show how the suit had gone by default.

'At the trial, after Mr. Lincoln had made his opening statement, Mr. Douglass said that statement was fair, and that he, Douglass, thought the bill reasonable and should be paid. . . . The case was given to the jury without argument on either side. All that Mr. Douglass said at the trial, other than the above stated was to call Mr. Lincoln's attention to the fact [that] $200.00 had been paid on the bill, which Mr. Lincoln admitted, saying he had forgotten it, and remitted the amount from his claim. . . .

'The only question in the case was as to the reasonableness of the fee charged. All Mr. Lincoln had was the memorandum for use on the trial as to the facts to be proved.' Charles L. Capen to John G. Drennan, dated at Bloomington, Ill., April 5, 1906. *Ib.*

[2] *Litigant:* Townsend, 29.

[3] Depositor's Ledger C, for 1857, 438. Springfield Fire & Marine Ins. Co.

[4] Herndon, II, 352–3.

[5] The Chemical Bank. Ackerman, 65.

The panic of 1857 was very hard in Illinois. It really began in 1854 and was largely due to railroad construction, heavy issues of bank-notes, and the war in Europe.

'The failure of the People's Bank at Carmi has fallen with great severity on the people of this section of the State. Its bills comprised about one-half of our circulating medium.' *Joliet Signal,* Feb. 3, 1857.

tions throughout the country; and on October 9, the Illinois Central Railroad was also 'forced to suspend payment.' [1]

Had not the judgment been rendered in the friendly suit in June, or had the company delayed payment of it, Lincoln would not have received his fee for at least a year and probably longer, and it is doubtful whether he could have made the campaign against Douglas in 1858. Certainly, in that contest, he would have been without this important addition to his limited funds.[2]

Such are the facts in this extensively discussed and sharply controverted case. That Joy, in view of his own moderate fee, thought Lincoln's charge excessive, and that the company's officers, considering the financial plight of the road, agreed with Joy, appear to be fairly clear. In this situation it is also plain that John M. Douglas did not want to give Lincoln a voucher for so large a sum; and it is certain that all concerned agreed that the best way out of the matter would be for Lincoln to bring a suit which the company would not contest.

Throughout the disputes and negotiations over Lincoln's fee he continued to act as attorney for the railroad. Whitney, who had become the company's lawyer, in charge of local litigation such as damage suits, relates that 'we had a contract that Lincoln was to take no case against us and that I could call on him to help me when he was there; [3] and when my clients wanted help I always got Lincoln.' [4] When travelling over the road, Lincoln used a pass, as did all of the company's officers and attorneys.

'The financial pressure now prevailing in the country has no parallel in our business history.' *Chicago Democratic Press*, Sept. 30, 1857.

'Money is about as tight as it can be, for it is scarcely possible to get it on any terms.' *Ib.*, Oct. 9, 1857.

'Of the 66 banks in Illinois, only 39 are doing business — the remaining 27 having gone into liquidation.' *Central Illinois Gazette* (Champaign), Apr. 14, 1858.

[1] Notice of Directors of I. C. R. R. Co., signed by the Treasurer, J. N. Perkins. It was published in all New York newspapers.

Stuyvesant Fish says that the road made a voluntary assignment to three trustees, which was placed of record in New York but not in Illinois; and that this assignment was cancelled in the latter part of 1858. Fish to Drennan, April 6, 1906. MSS. Files Legal Dept. I. C. R. R. Co.

[2] The road was saved only by the great exertions and resourcefulness of William Henry Osborne, then President of the Company. Ackerman, 66–7.

[3] At the court where the case was tried.

[4] Whitney to Herndon, Aug. 27, 1887. Weik MSS. Also see Whitney, 261–2.

In asking in 1856 for a renewal of a similar pass on the Chicago and Alton Railroad Lincoln wrote: 'Says Tom to John: "Here's your old rotten wheelbarrow. I've broke it, usin' on it. I wish you would mend it, case I shall want to borrow it this arternoon."

'Acting on this as a precedent, I say, "Here's your old 'chalked hat' I wish you would take it, and send me a new one, case I shall want to use it the first of March."' [1]

Four months after the McLean County tax case was decided by the Supreme Court Lincoln rendered to a client a written opinion on the construction of the land grants by Congress.[2] In the year of Lincoln's suit against the company for his five thousand dollar fee, he and Whitney appeared for the road before the Supreme Court in a case which they had appealed from the Circuit Court of Champaign County where they had been beaten. This case is of interest as showing the efforts of the railroad to save money in its then desperate financial condition. The only question was how much weight would be lost by hogs kept in cars negligently delayed in transit. The jury gave a verdict for $860.25. Whitney and Lincoln moved for a new trial on the ground that such damages were excessive; the plaintiff remitted all but six hundred dollars, for which amount the Court gave judgment. From this judgment the railroad took an appeal, obviously for delay only, since the sole issue before the Supreme Court was 'whether the evidence justified a verdict for the amount for which the judgment was rendered.' The Court in a curt and almost contemptuous opinion decided against the railroad company.[3]

At the same term of the Supreme Court Lincoln and Whitney won another case for the railroad company of first importance to all common carriers by rail. The company was sued for damages to cattle by delay in transit, although the shipper had signed a written contract releasing the railroad from injury or delay in consideration of reduced rates for transporting the cat-

[1] Lincoln to R. P. Morgan, Superintendent of the Chicago and Alton R. R., Feb. 13, 1856. *Works*, II, 289.

[2] Drennan to Hill, April 10, 1906. MSS. Files Legal Dept. I. C. R. R. Co. Lincoln's opinion was rendered March 6, 1856. For this opinion see Starr, 60.

[3] I. C. R. R. Co. Appellant *vs.* Brock Hays *et al.*, Appellees, 19 Ill. 166–7.

tle. The Court held unanimously that such a contract was valid and confirmed a rule of law important to railroad interests.[1]

When Lincoln's fee controversy was coming to a head a young man of thirty, a graduate of West Point who had served with notable gallantry in the Mexican War and had been an observer in the Crimea, but who had resigned from the army, Captain George B. McClellan, was appointed Chief Engineer of the Illinois Central Railroad; and so well did he discharge his duties that in less than a year he was made Vice-President as well as Chief Engineer and placed in charge of the operation and conduct of the road. When the company was forced to suspend payments during the panic of 1857, McClellan was appointed one of the trustees to which the road was temporarily turned over.[2]

Thus Lincoln first met McClellan. 'Mr. Lincoln was the attorney of the Illinois Central Railroad Company, to assist the local counsel in the different counties of the circuit,' writes Judge Weldon of an incident he personally witnessed. In De Witt County during a session of the Court at Clinton in 1858 or 9, Lincoln and the company's local attorney wanted to postpone the trial of a case against the railroad 'and Mr. Lincoln remarked to the court:

'"We are not ready for trial."

'Judge Davis said: "Why is not the company ready to go to trial?"

'Mr. Lincoln replied: "We are embarrassed by the absence or rather want of information from Captain McClellan."

'The Judge said: "Who is Captain McClellan, and why is he not here?"

'Mr. Lincoln said: "All I know of him is that he is the engi-

[1] I. C. R. R. Co. *vs.* Morrison *et al.*, 19 Ill. 136–41. See statement of rule by Justice Breese on 141. This suit was brought in Charleston where Ficklin resided and was local attorney of the I. C. R. R. Co., and he, therefore, was in the case with Lincoln and Whitney in the Supreme Court.

[2] Data on picture in office Chief Engineer, I. C. R. R. Co., Chicago; Ackerman, 93. President Ackerman says of McClellan: 'The financial resources of the company at this time were quite limited, so that the position [of McClellan] proved a most trying one to fill. . . . He was courageous under difficulties, exceedingly tender-hearted, just and considerate in his treatment of those placed under him, and was beloved by all with whom he came in contact.'

neer of the railroad, and why he is not here this deponent saith not."' [1]

At the same time that Lincoln was thus coming in contact with McClellan, another young graduate of West Point who had also won laurels in the Mexican War and who had also resigned his commission in the Regular Army, Captain Ulysses S. Grant, was without success trying to win a livelihood at Galena, Illinois. In the office of the railroad company at Chicago was a third young graduate of West Point, the inventor of a breech-loading rifle, Lieutenant Ambrose E. Burnside, who had also left the army and was now cashier of the land department and treasurer of the company.[2]

Within five years Lincoln was to make each of these men a general in the Union Army.

Seemingly the DeWitt County case was another example of the policy of delay which the company's financial plight had forced its officials to adopt. Lincoln often met McClellan in the business of the road. As Vice-President, he had charge of legislation affecting his company as well as of the grave matter of taxes. Under the road's charter the value of the company's property taxable after six years from the date of the charter was determined by the State Auditor; and from his decision no appeal was provided. In the fall of 1857 the six years expired and a dispute arose between the company and the State Auditor, Jesse K. Dubois, as to the amount of taxes due the State on the general tax, then assessed for the first time. The State threatened to sue the company, which offered the amount it believed to be due. In this situation Lincoln wrote Dubois, who was one of his closest personal and political friends, urging him to accept the money which the railroad company tendered: 'J. M. Douglas of the I. C. R. R. Co. is here and will carry this letter. He says they have a large sum (near $90,000) which they will pay into the treasury now, if they have an assurance that they shall not be sued before January, 1859 — otherwise not. I really wish that you would consent to this. Douglas says they *can not* pay more and I believe him. I do not write this as a lawyer seeking an advantage for a client; but only as a friend, only urging

[1] Weldon: Rice, 201. [2] Ackerman, 93.

you to do what I think I would do if I were in your situation. I mean this as private and confidential only, but I feel a good deal of anxiety about it.' [1]

It appears that the State Auditor did what Lincoln asked. To settle the matter of this and like disputes, it became necessary to secure the enactment of a law giving the railroad company the right of appeal to the Supreme Court. Thus matters stood for two years, and, in February, 1859, a bill was introduced into the Legislature providing for such an appeal. While this measure was pending, an arranged case was brought in the Supreme Court by the State against the railroad company to settle the basis of valuation of the company's property; and it was agreed that if the bill passed the Legislature, there should be no appeal from the valuation of 1857 and that the question should be left to the court. The bill speedily became a law.[2]

Such was the state of affairs when, at the December term of the Supreme Court, 1859, this important case was argued before that tribunal. Lincoln and J. M. Douglas appeared for the railroad company, while Logan and Hay assisted the State's attorney. The Court did not hand down its decision until the November term 1861, when, in a clear and able opinion by Justice Sidney Breese, the Court unanimously decided in favor of the railroad company.[3]

Thus Lincoln's connection, as attorney of the Illinois Central Railroad, continued until his nomination for the Presidency. Indeed only two months before the assembling of the historic Convention in the Wigwam at Chicago he was in that city for two weeks trying a case of vital concern to the road. This was the celebrated sand bar litigation and involved the title to exten-

[1] Lincoln to Dubois, Dec. 21, 1857. *Works*, II, 354.

[2] Act Feb. 21, 1859. *Laws of Illinois*, 1859, 206–7. The fifth section granting the appeal, provided that if the I. C. R. R. Co. should be dissatisfied with the valuation by the State Auditor, 'they shall be allowed an appeal from the decision of the auditor to the supreme court . . . and it shall be the duty of said supreme court, at the term next succeeding the taking of such appeal, . . . to hear and determine the aggregate value of the stock, property and assets owned by said company.'

McClellan was in Springfield during this session of the Legislature and is said to have written a vivid account of the passage of this bill and the defeat of other bills hostile to the I. C. R. R. Co.; but no such letter can now be found.

[3] St. Ill. *vs.* I. C. R. R. Co., 27 Ill. 64–70.

sive lands on the lake front. Although the railroad company did not appear of record by name, it was the real defendant and was successful. The case had been tried three times, the jury failing to agree. On the fourth trial, March 19, 1860, Lincoln appeared among the counsel for the defence. The proceedings were before Judge Drummond in the United States Court and lasted nearly two weeks. The jury returned a verdict for the defendants.[1]

Of far more effect on the development of the country, and quite as replete with legal difficulties as the reaper patent case or the railroad tax cases, was the next extensive litigation in which Lincoln appeared after he argued the suit of the Illinois Central Railroad Company against McLean County. Again he was one of three counsel for the defence and again the issue was momentous; but in this case there was no embarrassment, no affront, no dispute, or delay as to fees — only success and commendation. Also it is not unlikely that the services he rendered and the result of the trial helped to bring him strong political support in Chicago when, a year after the verdict was rendered, Lincoln took the field against Stephen A. Douglas — for the vital interests of Chicago were at stake.

About 1855, the Rock Island Railroad Company, through a subsidiary corporation, the Rock Island Bridge Company, built a railway bridge across the Mississippi from Rock Island to Davenport. Business men of St. Louis and the river steamboat interests were acutely alarmed and vigorously protested. On May 6, 1856, the steamer *Effie Afton*, Captain Hurd, started from Cincinnati and St. Louis for St. Paul. The vessel was new, well-equipped and worth about fifty thousand dollars. She was loaded with freight and carried two hundred passengers. Passing through the draw of the bridge, the boat struck one of its seven piers and was thrown against another. Stoves were up-

[1] The title of the case was William S. Johnson *vs.* William Jones and Sylvester Marsh. Counsel for the plaintiff were Buckner S. Morris, Isaac N. Arnold, and John A. Wills; for the defendants, Samuel W. Fuller, Van H. Higgins, John Van Arman, and Lincoln. Whitney, 254.

Lincoln made his headquarters at the office of Whitney, who had moved to Chicago. Whitney's statement. Weik MSS.

The records in the Federal Court at Chicago were destroyed in the great fire of 1871, and this case was not reported in the press.

set and the steamer with her cargo and machinery was burned. The draw of the bridge also burned and fell into the river.

Captain Hurd and other owners of the boat immediately sued the bridge company in the United States Circuit Court for the northern district of Illinois, alleging that the *Effie Afton* was carefully and skilfully navigated at the time, and that the boat 'was forcibly driven by the currents and eddies caused by said piers against one of them,' resulting in the 'imminent danger' of sinking and of the actual destruction of the boat and cargo by fire. The bill of complaint also averred that the bridge was a permanent obstruction to navigation. The prayer of the bill was for damages to the value of the boat and cargo, with insurance. 'The defendants pleaded not guilty to the charge made. And this is the important issue you are sworn to try,' Justice John McLean said in charging the jury.[1]

The contest, however, was really between St. Louis and other cities and towns on the Mississippi and Ohio rivers on the one side, and Chicago and inland railway centres on the other side. More broadly, it was a conflict between exclusive river transportation north and south and rail transportation east and west. In a deeper, though indirect sense, this law-suit was another of the many economic antagonisms between North and South, and in the argument to the jury disunion was hinted.

On December 16, 1856, the St. Louis Chamber of Commerce held a meeting and resolved to assist vigorously in the prosecution of the case against the bridge company; and the Chicago papers charged that the rival city was the real plaintiff.[2] The bitterest possible feeling was aroused.[3]

[1] Justice McLean's charge to jury. *Chicago Daily Democratic Press*, Sept. 25, 1857.

[2] *Ib.*, April 27 and Sept. 26, 1857; Richards, 35–6.

[3] 'Facts . . . do not warrant the incessant clamor kept up by those who insist that that magnificent and necessary structure shall be torn down. . . . We trust that . . . the outcries of the St. Louis and river press may be silenced.' *Chicago Tribune*, April 17, 1857. Editorial.

'The *St. Louis Republican* has been of late particularly notorious as the leading Border Ruffian organ in Missouri; the opponent of the Emancipation movement and as the unscrupulous enemy of the Rock Island Bridge. . . . There is a point beyond which the enemies of this structure must not go. . . . When they pile falsehood upon falsehood . . . it is time they should be rebuked as common liars.' *Davenport Gazette*, as quoted in *Chicago Tribune*, May 18, 1857.

'The Railroad Bridge at Rock Island is an intolerable nuisance. . . . It is utterly

At the trial, which began in Chicago September 8, 1857, uncommonly able lawyers appeared for Captain Hurd — Judge H. M. Wead of Peoria, the best 'river lawyer' in the State, Corydon Beckwith of Chicago, afterwards a Justice of the Supreme Court of the State and later General Counsel of the Chicago, Alton and St. Louis Railroad, and Timothy D. Lincoln of Cincinnati, an admiralty lawyer of great repute. The bridge company was represented by Norman B. Judd of Chicago, Joseph Knox of Rock Island, and Lincoln. At Chicago interest in the trial was intense, and the *Cincinnati Enquirer* declared that the case engaged 'the attention of the whole country.'[1]

Both sides had prepared with utmost thoroughness. Many depositions had been taken. Lincoln and Judd, the attorneys of the Rock Island Railroad Company, and B. B. Brayton, Sr., the 'Bridge Engineer,' had gone together to Rock Island and carefully examined the bridge and currents of the river. Lincoln was particularly minute in his inspection. Mr. Brayton's son, then a youth, who was present, relates that 'the explanations offered by the bridge master, bridge engineer, and others, did not seem to satisfy him as to the currents, etc., and approaching me, he said, "young man, are you employed here on this bridge? If so will you go with me to the head of the draw-pier and answer some questions?"' After this final inspection was made with young Brayton, Lincoln said that he 'understood the situation,' and the party returned to Chicago.[2]

Judd, who had charge of the defence, was aggressive in his opening statement: 'Every bushel of wheat that went from the West to the East would be affected — hence this nervousness on the part of the St. Louis people. . . . St. Louis had under-

impossible for any man not an idiot to note the disasters at Rock Island and honestly ascribe them to any other cause than the huge obstruction to navigation which the Bridge Company have built there and insist shall remain, even though lives by the score and property by the million are destroyed every year. . . . We have rarely seen such illustration of supercilious insolence, as have been presented by advocates of the bridge.' *St. Louis Republican*, as quoted in *Chicago Tribune*, May 18, 1857.

[1] Richards, 29–33.

[2] 'The Crossing of the River: The Turning Point for the Railroad and the West.' By B. B. Brayton, *Davenport Democrat and Leader*, 'Half Century Edition,' Oct. 22, 1905. Mr. Brayton's article is done with great care.

taken the keeping of the Mississippi and Missouri Rivers, and said there should be no bridge.' [1]

The *Chicago Press* reports that 'scores of witnesses were examined and depositions read. Some of the witnesses were men of eminent positions in society, and the greater part were scientific experts.' A model of the steamboat, another of the bridge, and many maps were exhibited.[2] The questions involved were complicated — currents, proper location of piers, right methods of bridge construction, skill in running steamboats, and the like. The conflict in the testimony was direct and extensive.

A committee of three from the St. Louis Chamber of Commerce watched the trial 'and gave to the looker-on the impression that Captain Hurd and other plaintiffs were mere spectators of the fight,' declared the *Chicago Daily Democratic Press;* and that paper charged that over half a million dollars had been subscribed 'under lead of the St. Louis Chamber of Commerce by the river interests between Pittsburgh and St. Paul to prosecute this suit to the bitter end,' bring still another suit and prevent the building of other bridges across the Mississippi.[3]

For the defence Judd and Knox examined the witnesses and argued most of the questions of admissibility of evidence which arose during the trial. Timothy D. Lincoln did the same on behalf of the plaintiff.[4] When Judd offered to prove the volume of business 'done over the river' in comparison with that 'done upon the river,' the plaintiff's counsel objected and a lengthy argument ensued, in which all the attorneys in the case spoke except Beckwith. Lincoln 'gave a history of the Peoria bridge case,' admitted that the bridge must not be a material obstruction, qualified, however, 'by the necessity of the bridge. The plaintiffs held that their vested interests could not be interfered with, but the decisions of our courts were conforming, as they should do, to the nature and wants of our country.' [5]

[1] *Chicago Daily Press*, Sept. 9, 1857. [2] *Ib.*, Sept. 25, 1857.

[3] *Ib.*, Sept. 26, 1857, as quoted in Richards, 35–6.

[4] 'Mr. Judd, who managed the case on the part of the defence, and Mr. Lincoln, of Cincinnati, on the part of the plaintiff, displayed untiring industry and great ingenuity.' *Chicago Democratic Press*, Sept. 25, 1857. Editorial.

[5] *Chicago Tribune*, Sept. 21, 1857. The argument on the admissibility of this evidence indicates that counsel on both sides regarded it as crucial.

T. D. Lincoln, citing many authorities, said that all citizens had a right to the free

For about two weeks witnesses were examined, depositions were read, counsel contended. Finally both sides rested, and arguments to the jury began. Lincoln made the closing speech for the bridge company. He would not 'assail anybody,' he soothingly began, having reference to the acrimony shown throughout the trial; his earnestness must not be mistaken for ill-nature. Let us try to reconcile conflicting testimony and believe that witnesses 'are not intentionally erroneous as long as we can.' St. Louis and the steamboat interests did as others would do under like circumstances, and Lincoln had no prejudice against them. 'St. Louis as a commercial place may desire that this bridge should not stand as it is adverse to her commerce, diverting a portion of it from the river;' perhaps that city 'supposes' that, if the bridge is removed, the products of Iowa will necessarily be sent to St. Louis. Doubtless 'some prejudice has added color to the testimony' of certain witnesses because they had attended the St. Louis meetings; but that was the only connection those meetings had with the case.

Nothing could displease him more, said Lincoln, than the blocking of 'one of these great channels extending almost from where it never freezes to where it never thaws;' but the demands of travel and traffic from east to west 'are not less important. . . . It is growing larger and larger, building up new countries with a rapidity never before seen in the history of the world.' Look at Illinois, at Iowa! 'This current of travel has its rights as well as that of north and south.' Consider the business done by this

navigation of the river; 'the bridge was equally an obstruction, no matter how much business was done upon it. . . . To open such a question would lead to endless evidence upon the comparative commerce of rivers and railroads,' etc.

Knox replied that it was 'a startling doctrine, that however great the public necessities of the Union, they could not be shown, nor a river bridged.' Conflicting interests must 'harmonize' for the general good. The defence would prove that a hundred times more business was done over the bridge than on the river.

Judge Wead argued vigorously: 'According to the doctrine asked for as commerce increases across the river, the right of free navigation diminishes,' which was absurd. The only question was 'whether the bridge was a material obstruction; with that the commerce over the bridge had nothing to do.'

Justice McLean, in a very clear opinion, held that the evidence should be received 'to show that the bridge was not unnecessarily built' but 'not for the purpose of authorizing the bridge to obstruct navigation.

'These great (railway) interests must be accommodated, but so arranged as not to materially obstruct commerce. . . . Railroads cannot be cut off from passing navigable rivers, but must not materially obstruct them.'

particular railroad[1] in less than a single year! From September 8, 1856, to August 8, 1857, more than twelve thousand five hundred freight cars and more than seventy-four thousand passengers had passed over this bridge! The river is closed to navigation for well-nigh a third of the year — the bridge is serviceable at all times. 'This shows that this bridge must be treated with respect in this court and is not to be kicked about with contempt.' Judge Wead had spoken of the conflict of interests 'and even a dissolution of the union.' The only rule of safety was that of 'live and let live;' if that rule were observed, there would be an end of 'this trouble about the bridge.'

How had the steamboat men acted when the bridge was burned? 'Why there was a shouting and ringing of bells and whistling on all the boats as it fell. It was a jubilee, a greater celebration than follows an excited election.'

Lincoln reviewed the evidence as to accidents. 'The dangers of this place are tapering off and as the boatmen get cool the accidents get less. We may soon expect if this ratio is kept up that there will be no accidents at all.' The tests of the current made by the bridge engineers were accurate; the piers built at the proper angle, considering that 'the course of the river is a curve.'

'What is a material obstruction? . . . What is reasonable skill and care?' Surely more care must be taken by boatmen after a bridge has been built across a river, than before. 'When a pilot comes along it is unreasonable for him to dash on heedless of this structure which has been *legally put there*.' The pilot of the *Effie Afton* had plenty of time to examine the bridge while the boat was lying at Rock Island, and would not every juror have taken advantage of that opportunity?

Lincoln then argued at great length as to the details of the conflicting testimony about currents, the placing of piers on which the boat struck, the depth of water, the size of the vessel, and other items. While he was in the thick of his discussion court adjourned until the following day. Next morning he went into a long technical explanation of the mechanism of the boat, the effect of one wheel only in operation, the certain result of the

[1] The Rock Island.

boat's having improperly entered the draw because of her passing another boat which went in true and got through without trouble.

Apparently Judge Wead, who spoke before Lincoln, had said that tunnels should be constructed under rivers, rather than bridges be built above them; but, Lincoln replied, that is not practicable. There 'is not a tunnel that is a successful project in this world. A suspension bridge cannot be built so high but that the chimneys of the boats will grow up till they cannot pass. The steamboat men will take pains to make them grow. The cars of a railroad cannot without immense expense rise high enough to get even with a suspension bridge or go low enough to get through a tunnel; such expense is unreasonable.'

In conclusion, Lincoln reminded the jury that the burden of proof was on the plaintiffs to show that the bridge was a 'material obstruction and that they have managed their boat with reasonable care and skill.' He had much more to say, and 'many things that he could suggest,' but 'wished to close to save time.' [1]

Timothy D. Lincoln closed the argument for the plaintiffs. He spoke for more than seven hours, and even the *Chicago Press* stated that his speech was 'able, elaborate, and ingenious.' That paper prepared a 'lengthy report of it' which, however, was 'crowded out of our columns to make room for Judge McLean's charge.' In an editorial, after the verdict, describing the trial and showering praise upon the participants, the *Press* said: 'Mr. A. Lincoln in his address to the jury was very successful, so far as clear statement and close logic was concerned.' [2]

Justice McLean charged the jury at great length, summarizing the testimony clearly, compactly, and with notable fairness. The whole matter, he said in conclusion, depended on the existence of cross currents and eddies in the draw and of the care and skill with which the boat was managed. If the jury believed witnesses of plaintiffs, they must award them damages to the amount of the value of the boat including insurance; but if the jury believed that there were no currents and that the vessel was not competently navigated, they must find for the defendant.

The jury were out but a few hours and 'reported that they

[1] *Works*, II, 340–54. [2] *Chicago Democratic Press*, Sept. 25, 1857.

could not agree — that they stood nine to three.'[1] The court seeing from the evident temper of the jury that it was impossible for them to agree, dismissed them.[2] Chicago and the railway interests were jubilant; St. Louis, Cincinnati, and the river interests disappointed and very bitter. For two or three years the fight was kept up through Congress and the War Department. Not until the approach of the Civil War did the defenders of river traffic give up the contest.[3]

While Lincoln was in Chicago on this case, Mrs. Lincoln had the half-story of their house made into a full second story, the whole house painted, and the rooms papered. Upon his return, when Lincoln saw this imposing change, he said to a neighbor on the street, one Stout, a grocer: 'Stranger, can you tell me where Lincoln lived? He used to live there.'

'Yes, that is his house there,' said Stout, falling into Lincoln's humor.

'No,' Lincoln answered, 'when I left here, my house was a story and a half, but that is a fine two story house.' Stout insisted that it was the same house declaring that it had grown while Lincoln was away.[4]

Lincoln continued to practise law until after his nomination as the Republican candidate for President. On June 20, 1860, the case of Dawson *vs.* Ennis was tried in the United States District Court at Springfield; and Lincoln, with McClernand and Isaac J. Ketcham, appeared for the plaintiff, who demanded ten thousand dollars damages, because Ennis had sold in Morgan County an improved patented double plough which he had agreed not to sell. Lincoln had written the complaint. John M. Palmer represented Ennis. The case was submitted to the Court and Lincoln made the argument for the plaintiff. On

[1] Seemingly nine for plaintiffs and three for defendants.

[2] *Chicago Democratic Press*, Sept. 25, 1857. [3] *Chicago Tribune*, April 9, 1858.

[4] John W. Bunn's statement to Clinton L. Conkling, March 5, 1918. Also Gourley's statement, no date. Weik MSS. 'Mrs. Lincoln and myself formed a conspiracy to take off the roof and raise the house.'

During one of Lincoln's long absences from home about this time, his wife bought a carriage, 'a fine one.' When he came back he 'complained, but all to no purpose.' Gourley helped Mrs. Lincoln select the carriage. It appears that when she wished to drive, horses were furnished by a livery stable and driven by a youth, Joseph P. Kent. *Ib.*

March 9, 1861, five days after he was inaugurated President, the Court found 'for the defendant and judgment entered against Lincoln's client for costs.' [1]

So came to an end Lincoln's career at the bar. During the last six years that he practised law he was actively engaged in politics. Indeed he took part in political affairs almost from the moment of his return from Congress; and it cannot be said that he ever lost interest in that, to him, engaging game. From 1854 Lincoln was incessantly occupied with the vast and vital controversy which had been developing for more than twenty years, and that grew in violence and dramatic rapidity until, in the presidential election of 1860, it came to its tragic fullness.

Throughout those last six years of circuit riding he made those great speeches which expressed more accurately than was done by any one else or in any manner the moral and intellectual movement of those stirring times. He witnessed with poignant regret the dissolution of the Whig party and saw the beginning and the rise of the Republican party which he joined, albeit without haste or enthusiasm, and finally emerged as the choice of that party for the Presidency. During this period those mighty issues, which had existed for so long a time, were gradually being made plain to the people — issues, the outcome of which was the American Civil War.

Now comes the dawn of Lincoln's greatness, a lowering dawn, and, with him, we shall behold the breaking of that sullen and forbidding day. We shall witness the efforts of statesmen to avert the approaching storm; we shall see the state of mind of the Southern people which caused them, at last, to throw in the face of fate a gallant, yet desperate, challenge; we shall listen to Lincoln's calm but exalted appeals, hear his historic debate with Douglas, and see the last triumph and the swift downfall of that daring, brilliant, and powerful man.

As we proceed through these stirring years and discern the rise of Lincoln as a gigantic figure, an elemental creation of destiny to perform a tremendous task, we must ever have in mind

[1] Weik, 138–9. Mr. Weik points out the curious fact that Lincoln lost this, the last case he ever tried, and also lost the first case he ever had in the Supreme Court, Scammon *vs.* Cline, 3 Ill., 456.

the qualities displayed to his associates at the bar. We must think of his tall, gaunt figure, his negligent dress, his whimsical manner, his bottomless melancholy combined with a boundless humor, his profound and peculiar honor, his belief in destiny tinged with superstition, his secretiveness and caution, strongly mingled with simplicity, and, above all, his basic devotion to what he thought was right. For these, and all other characteristics which we have seen manifested, were as much a part of his political as of his professional life. Taken together, they make up the man Lincoln, who wrought the wizardry that has mystified historians of all lands.

ABRAHAM LINCOLN

1809–1858

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